

**From:** [Sandra Kandell](#)  
**To:** [Michael Houlemard](#); [FORA Board](#)  
**Cc:** [Cynthia Garfield](#)  
**Subject:** Appointment.  
**Date:** Tuesday, December 20, 2016 9:15:15 AM  
**Attachments:** [Letter to FORA re Garfield Appointment.pdf](#)

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Good morning,

Please see the attached.

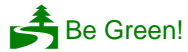
Should you need further assistance, please feel free to contact me.

**Sincerely,**

**Sandra Ann Kandell**  
City Clerk  
City of Pacific Grove  
300 Forest Ave  
Pacific Grove, CA 93950  
(831) 648-3181

[Want to know what's happening in the City of Pacific Grove?](#)  
[Sign up now for the City Manager's Friday Update.](#)

**[Register then Vote](#)**



Save a Tree: We're doing our part and we urge you to please think twice before printing this email.  
Thank you.



**300 Forest Avenue  
Pacific Grove, California, 93950**

December 20, 2016

*Via email [Michael@fora.org](mailto:Michael@fora.org)*

Michael A. Houlemard, Jr.  
Executive Officer  
Fort Ord Reuse Authority  
920 2<sup>nd</sup> Avenue, Suite A  
Marina, CA 93933

Dear Mr. Houlemard:

At the December 7, 2016 meeting, Council approved the appointment of Councilmember Cynthia Garfield to the Fort Ord Reuse Authority. Mayor Kampe will continue as the alternate.

Please feel free to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Sandra Kandell".

Sandra Kandell  
City Clerk

cc: Cynthia Garfield, Council Member [cgarfield@cityofpacificgrove.org](mailto:cgarfield@cityofpacificgrove.org)

**From:** [Rachael McFarren](#)  
**To:** [FORA Board](#)  
**Cc:** [Michael Houlemard](#); [Dominique Jones](#); [Molly Erickson](#)  
**Subject:** Keep Fort Ord Wild's July 1, 2016 and October 13, 2016 objections to the failure by FORA to adequately enforce the mitigations for and in the Fort Ord Reuse Plan  
**Date:** Thursday, December 22, 2016 1:25:41 PM  
**Attachments:** [16.12.22.KFOW.ltr.to.FORA.pdf](#)

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Dear Chair O'Connell and members of the FORA Board of Directors:

Attached please find correspondence on behalf of Keep Fort Ord Wild.

Thank you.

Rachael McFarren  
Paralegal  
**STAMP | ERICKSON**  
479 Pacific Street, Suite One  
Monterey, CA 93940  
tel: 831-373-1214  
fax: 831-373-0242

Michael W. Stamp  
Molly Erickson

**STAMP | ERICKSON**  
Attorneys at Law

479 Pacific Street, Suite One  
Monterey, California 93940  
T: (831) 373-1214  
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December 22, 2016

Frank O'Connell, Chair  
Board of Directors  
Fort Ord Reuse Authority  
920 2nd Avenue, Suite A  
Marina, CA 93933

Subject: Keep Fort Ord Wild's July 1, 2016 and October 13, 2016 objections to the failure by FORA to adequately enforce the mitigations for and in the Fort Ord Reuse Plan

Dear Chair O'Connell and members of the FORA Board of Directors:

On July 1, 2016 and October 13, 2016, on behalf of Keep Fort Ord Wild (KFOR) I sent you a letter describing numerous problems with FORA's failure to enforce the mitigation measures in the Reuse Plan, including the Reuse Plan policies and programs, and raising related concerns. As examples, we identified significant and material policies and programs that have not been adopted by the FORA member jurisdictions. Since then we have not heard back from FORA.


On November 4, 2016 and December 9, 2016, I also sent you letters regarding the "Consistency Determination: Del Rey Oaks Monument RV Resort." I also provided you with copies of letters to Del Rey Oaks on this issue and informed FORA that FORA has not complied with its responsibilities as a responsible agency under CEQA.

This letter again urges FORA to take prompt and effective steps to correct its lax approach and to ensure that all mitigation measures are implemented, and not to make any consistency determinations until all the applicable mitigation measures (policies and programs) have been adopted by the jurisdiction seeking the consistency determination. KFOR again offers to meet with FORA to discuss these issues.

I am enclosing with the paper copy of this letter materials relevant to the issues in this letter and our past letters, including the water supply at Fort Ord and other CEQA issues. KFOR urges you to review these materials promptly. If you would like any individual exhibits e-mailed to you, please let me know and we will do so. Thank you.

Very truly yours,

STAMP | ERICKSON



Molly Erickson

Attachments: See Table of Exhibits. (All exhibits are on three identical CDs delivered to the FORA office December 22, 2016.)

<b><u>Table of Exhibits</u></b>	
01	1996 Fort Ord Reuse Plan (Volumes I, II, and III)
02	1997 Fort Ord Reuse Plan Environmental Impact Report
03	December 18, 2014 Monterey County Weekly Article: That water memo wasn't the only Monterey Downs document we got
04	December 18, 2014 Monterey County Weekly Article: Without more water, attorneys say, Monterey Downs could be sunk.
05	August 4, 2016 Monterey County Weekly Article: Dry Downs The Monterey Downs final EIR confirms a long-held suspicion – there's not enough water
06	May 19, 2016 Monterey Bay Partisan Article: Dave Potter's account of his Monterey Downs role crumbles under any type of scrutiny
07	September 8, 2016 Monterey Bay Partisan Article: Monterey Downs team drops racing plan but big issues remain
08	August 31, 2016 Monterey Herald Article: Seaside luxury auto center on road to becoming reality
09	June 1993 Department of the Army Final Environmental Impact Statement Fort Ord Disposal and Reuse Volume I excerpts
10	September 21, 1993 Agreement No. A-6404 Agreement Between The United States of America and the Monterey County Water Resources Agency Concerning Annexation of Fort Ord into Zones 2 and 2A of the Monterey County Water Resources Agency
11	March 1996 Annexation Agreement and Groundwater Mitigation Framework for Marina Area Lands - MCWD - MCWRA- Marina
12	April 2002 Salinas Valley Water Project Final EIR, Response to Comments, excerpts
13	May 2003 WRIME Marina Coast Water District Deep Aquifer Investigative Study
14	June 2004 Water Distribution System Master Plan Ord Community excerpts
15	August 2008 Draft Environmental Impact Report The Projects at Main Gate Specific Plan excerpts

16	July 15, 2010 Resolution No. 10-43: Resolution of the City Council of the City of Seaside Certifying the Final Environmental Impact Report for The Projects at Main Gate Specific Plan; Adopting Findings Pursuant to the California Environmental Quality Act; Adopting a Statement of Overriding Considerations, and Adopting a Mitigation Monitoring and Reporting Program
17	2010 Monterey County General Plan Policies PS-3.1 and PS-3.2 as adopted in 2010 and amended in 2013
18	2012-2016 Marina Coast Water District Well Production Summary
19	December 16, 2014 Monterey County Water Resources Agency Historic Seawater Intrusion Maps
20	2015 Marina Coast Water District Urban Water Management Plan and Appendices
21	2015 Marina Coast Water District Consumer Confidence Report excerpts
22	July 6, 2015 Marina Coast Water District Resolution No. 2015-33 Adopting an Updated Water Shortage Contingency Plan
23	California's Groundwater Bulletin 118 List Map
24	California's Groundwater Bulletin 118 Central Coast Hydrologic Region
25	California's Groundwater Bulletin 118 excerpts
26	Seaside Municipal Code Chapter 17 excerpts
27	March 14, 2014 Fort Ord Reuse Authority Board of Directors Agenda and Minutes regarding Consistency Determination of 2010 Monterey County General Plan as Consistent with 1997 Fort Ord Reuse Plan
28	June 2016 FORA ESCA Closure Access Status information
29	July 1, 2016 Keep Fort Ord Wild letter to Fort Ord Reuse Authority regarding Reuse Plan mitigations
30	September 9, 2016 email from Michael Zeller regarding AMBAG travel demand model, Imjin Parkway
31	September 9, 2016 <i>Keep Fort Ord Wild v. County of Monterey, FORA, et al.</i> Respondents the County of Monterey and the Fort Ord Reuse Authority's Opposition to Keep Fort ord Wild's Petition for Writ of Mandate excerpts
32	October 11, 2016 e-mail from Stan Cook and Fort Ord Cleanup print out showing Stan Cook as Program Manager for ESCA Remediation Program

33	October 14, 2016 FORA Board of Directors' packet excerpts
34	October 7, 2016 Keep Fort Ord Wild letter to City of Seaside
35	October 7, 2016 Keep Fort Ord Wild letter to City of Seaside Proof of Service
36	City of Marina data
37	City of Marina rainfall data
38	CEQA in the 21 <sup>st</sup> Century – A Rose Foundation Report
39	Feb. 2016 MCWRA minutes excerpts
40	Feb. 2016 MCWRA slides re deep aquifer
41	March 4, 2015 Herald Article
42	MATE – Deidre Sullivan
43	MCWRA Board of Directors
44	November 9, 2016 email re Oak Woodlands
45	October 27, 2016 Herald Article
46	October 27, 2016 Weekly Article

**From:** [Rachael McFarren](#)  
**To:** [FORA Board](#); [Michael Houlemard](#); [Dominique Jones](#); [Jon Giffen](#)  
**Cc:** [Molly Erickson](#)  
**Subject:** Brown Act Violations  
**Date:** Wednesday, January 04, 2017 4:02:47 PM  
**Attachments:** [17.01.04.FORA.BOD.ltr.to.pdf](#)

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Chair O'Connell and Members of the Fort Ord Reuse Authority Board of Directors:

Attached please find correspondence from Molly Erickson.

Thank you.

Rachael McFarren  
Paralegal  
**STAMP | ERICKSON**  
479 Pacific Street, Suite One  
Monterey, CA 93940  
tel: 831-373-1214  
fax: 831-373-0242



Michael W. Stamp  
Molly Erickson

**STAMP | ERICKSON**  
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T: (831) 373-1214  
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January 4, 2017

Chair Frank O'Connell  
and Members of the Fort Ord Reuse Authority Board of Directors  
Fort Ord Reuse Authority  
910 2nd Avenue  
Marina, CA 939933

Re: Brown Act Violations

Dear Chair O'Connell and Members of the Fort Ord Reuse Authority Board of Directors:

FORA seems to have a problem complying with the Brown Act. We and Keep Fort Ord Wild need clearer agendas, so we know what is being discussed by FORA committees. The Brown Act sets minimum standards which agencies can exceed in the public interest. FORA is not meeting the minimum standards. Here are examples of recent problems:

- FORA often fails to state for closed session items the specific authorizing paragraph of Government Code section 54956.9, subdivision (d), that authorizes the closed session. That is required information. FORA often fails to stating with specificity the information required to be stated pursuant to subdivisions (e)(2) and (e)(3) of the section. For example, the draft agenda for the January 2017 FORA Board meeting lists closed session item 2.c as "Potential Litigation" with no further information.
- The FORA Executive Committee meeting agenda for January 4, 2017 describes item 4.a as a "Closed Session" without any detail or citation to section 54956.9 or compliance with several material terms of that section.
- Absent special circumstances, the Brown Act requires FORA to use a short description of less than 20 words to provide essential information about the item to members of the public. (Gov. Code, sec. 54954.2.) FORA, like all legislative bodies, is free to provide a more detailed description and should do so. However, the January 4 Administrative Committee agenda contains this item:

**7. BUSINESS ITEMS**

- a. Capital Improvement Program
  - i. Development Forecasts Request
  - ii. Caretaker Costs Reimbursement Policy

That description is not adequate. No proposed action is described, if FORA intends to take any action. The agenda report is dated November 2016; that report was already considered by the Committee at its

November 2016 meeting. There is no report for January 4, 2017. The outdated report does not mention "Caretaker Costs Reimbursement policy."

- FORA repeatedly states on agendas a recurring item described solely as "items from members." It is not clear to anyone what is meant by that vague description and whether any items will be discussed or action will be taken, if FORA intends to take any action.

FORA's meeting minutes also have problems. For example, the minutes for the item at the December 2016 Board meeting, "Consistency Determination: Del Rey Oaks Monument RV Resort 2nd Vote" state "There were no comments from the Board or the public." That is not accurate. Our office submitted a comment letter to the FORA Board prior to the meeting. As written, the minutes are potentially misleading. If the intent is to reflect oral comments only, the minutes should so state.

KFOW asks FORA to take immediate action to correct the numerous violations. If you want to meet, KFOW is willing to meet with you. We ask that you include your attorney in addressing these notification standards. Thank you.

Very truly yours,

STAMP | ERICKSON



Molly Erickson

cc: Jon Giffen

**From:** [Thom Atkinson](#)  
**To:** [FORA Board](#)  
**Subject:** Land Purchase for a business  
**Date:** Wednesday, January 04, 2017 6:15:39 PM

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To the Esteemed Board,

I am a Veteran interested in purchasing a tract of land for a business. How do I go about this?

Thank you,

Thom Atkinson  
(408) 425-7332