



Fort Ord Reuse Authority

920 2nd Avenue, Ste. A, Marina, CA 93933
Phone: (831) 883-3672 • Fax: (831) 883-3675 • www.fora.org

BOARD OF DIRECTORS MEETING

Friday, April 13, 2012 at 3:30 p.m.

910 2nd Avenue, Marina, CA 93933 (Carpenter's Union Hall)

AGENDA

1. **CALL TO ORDER AND ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE**
 - a. Resolution Recognizing the Outstanding Public Service of Mayor Sue McCloud ACTION
4. **PUBLIC COMMENT PERIOD:** Members of the audience wishing to address the Fort Ord Reuse Authority ("FORA") Board on matters within the jurisdiction of FORA, but not on this agenda, may do so during the Public Comment Period. Public comments are limited to a maximum of three minutes. Public comments on specific agenda items will be heard at the time the matter is under Board consideration.
5. **CONSENT AGENDA**
 - a. March 9, 2012 FORA Board Meeting Minutes ACTION
 - b. Commitment of Grant Matching Funds Toward Transportation Agency for Monterey County's Multi-Modal Corridor Planning Grant ACTION
6. **OLD BUSINESS**
 - a. Base Reuse Plan Reassessment- Update
 - i. Contract Status Report INFORMATION/ACTION
 - ii. Kick Off Presentation by EMC Planning INFORMATION
 - b. California Central Coast Veterans Cemetery – Update INFORMATION
 - c. Preston Park Disposition – Updated Appraisal INFORMATION
 - d. FORA Extension Update – AB 1614
7. **NEW BUSINESS**
 - a. UC MBEST Request for Resumption of Interim Agricultural Water Use ACTION
8. **EXECUTIVE OFFICER'S REPORT**
 - a. Outstanding Receivables INFORMATION
 - b. Administrative Committee INFORMATION
 - c. Finance Committee INFORMATION
 - d. Legislative Committee INFORMATION
 - e. Water/Wastewater Oversight Committee INFORMATION
 - f. Habitat Conservation Plan INFORMATION
 - g. Executive Officer's Travel INFORMATION
9. **ITEMS FROM MEMBERS**

10. CLOSED SESSION

Public Comment – Closed Session Items

- a. Conference with Legal Counsel - Existing Litigation (Gov Code 54956.9) – 2 Cases
 - i. Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Number: M116438
 - ii. Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Number: M114961

11. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

12. ADJOURNMENT

NEXT MEETING MAY 11, 2012



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Notice of Televised FORA Board Meeting

At the February 10, 2012 Board meeting, the Board authorized staff to televise selected Board meetings. Staff felt that the Base Reuse Plan Reassessment Consultant kick off presentation provided a wonderful opportunity for our first televised Board meeting. The Executive Committee concurred at its April 4, 2012 meeting. As such, the April 13, 2012 Board meeting will be recorded by Access Monterey Peninsula (AMP) Media.

The video has been tentatively scheduled to broadcast on the Seaside and Marina local government channels (25), Monday evenings at 9:00 pm. A DVD copy will be also be available at the FORA office.

Please contact Jen Simon, FORA Communications Coordinator, at jen@fora.org or at 831-883-3672 with any additional questions.

FORT ORD REUSE AUTHORITY

Resolution of Appreciation

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Mayor Sue McCloud

IT IS HEREBY RESOLVED by the Fort Ord Reuse Authority Board of Directors that:

WHEREAS, Sue McCloud was elected Carmel-by-the-Sea Mayor in 2001 and became a member of the Fort Ord Reuse Authority in May of that year – serving continuously, tirelessly, and commendably for 12 years; and

WHEREAS, Mayor McCloud served with extraordinary distinction as Chair of the Authority Finance Committee from 2005-2012, with notably seven consecutive years of Authority financial stability; and

WHEREAS, during Mayor McCloud's tenure as Finance Committee Chair, the Authority secured in excess of \$115,000,000 in Federal Grant Aid to provide for munitions and explosives removal, roadway construction, and Central Coast Veteran's Cemetery Design; and

WHEREAS, Mayor McCloud has supported Monterey Bay Region community/military partnerships and has been an advocate for educational collaboration as the program core of former Fort Ord reuse; and

WHEREAS, the Fort Ord Reuse Authority has benefited immensely from Mayor McCloud's sage advice, defeating obfuscation through clarity and precision offered in a special covert clandestine operations *special agent* tone (This resolution will self destruct in 30 seconds); and

WHEREAS, Mayor McCloud has consistently sought regional solutions to the political, socio-economic, and environmental issues facing the Monterey Bay community; and

NOW, THEREFORE, BE IT RESOLVED for all the supporting notations cited above, but not limited thereto, the Fort Ord Reuse Authority Board of Directors hereby expresses its sincere commendation to Mayor Sue McCloud;

BE IT FUTHER RESOLVED, on behalf of the entire Fort Ord Reuse Authority jurisdictions and staff the Board of Directors extends its gracious appreciation and deepest gratitude to Sue McCloud for her leadership of Carmel-by-the-Sea and exemplary service to the Monterey Bay Region.

PASSED AND ADOPTED by the Fort Ord Reuse Authority Board of Directors this 13th day of April, 2012.

Supervisor Dave Potter, Chair

Date
Resolution 12-03



Fort Ord Reuse Authority

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BOARD OF DIRECTORS BOARD MEETING

Wednesday, March 9, 2012 at 3:30 p.m.

910 2nd Ave, Marina (Carpenter's Union Hall)

Minutes

1. CALL TO ORDER AND ROLL CALL

Chair Potter called the Board Meeting to order at 3:30 p.m.

Voting Members Present:

Chair/Supervisor Potter (County of Monterey)
1st Vice Chair Mayor Edelen (City of Del Rey Oaks)
Mayor McCloud (City of Carmel by the Sea)
Mayor ProTem O'Connell (City of Marina)
Councilmember Brown (City of Marina) @ 4:10 p.m.
Mayor Donahue (City of Salinas)

Councilmember Selfridge (City of Monterey)
Supervisor Parker (Monterey County)
Mayor ProTem Kampe (City of Pacific Grove)
Mayor Pendergrass (City of Sand City)
Mayor Bachofner (City of Seaside)
Councilmember Oglesby (City of Seaside)

Absent:

Supervisor Calcagno (Monterey County)

Ex-Officio Members Present:

Alec Arago (17th Congressional District) @ 3:36 p.m.
Cristal Clark (15th State Senate District)
Nicole Charles (27th State Assembly District)
Vicki Nakamura (MPC)
Debbie Hale (Transportation Agency of Monterey County)
Gail Youngblood (Fort Ord BRAC Office)

Graham Bice (University of California)
Ken Nishi (Marina Coast Water District)
Justin Wellner (CSUMB)
Hunter Harvath (Monterey-Salinas Transit District) @ 3:35 p.m.
Pamela von Ness (United States Army)

Absent:

Dr. Shepard (Monterey Peninsula Unified School District)

2. PLEDGE OF ALLEGIANCE

Mayor Edelen led the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS/ANNOUNCEMENTS, AND CORRESPONDENCE

Executive Officer Michael Houlemard encouraged members of the public to complete a Public Comment Form in order to assist with the accuracy of the minutes, noting that completion was voluntary. He stated that FORA had distributed a press release on March 6, 2012 in response to recent allegations from Keep Fort Ord Wild, copies were available to the public. He noted that, in response to questions from Board Members, UCSC had agreed to pull Agenda Item 5b from the Consent Agenda and to reschedule it for consideration at a future Board meeting.

a. University of California (UC) Monterey Bay Education, Science, and Technology (MBEST) Center Stakeholder's Visioning Process – Final Results Update

UCSC Vice Chancellor for Research Bruce Margon provided a final update on the UC MBEST Visioning Process, summarizing proposed next steps, which included the formation of an UC MBEST advisory group.

Mayor McCloud asked whether UC MBEST planned to include the Monterey Institute of International Studies, and Dr. Margon stated that their goal was to be fully inclusive.

LeVonne Stone, Fort Ord Environmental Justice Network, expressed dissatisfaction that the Fort Ord Environmental Justice Network had not been included in the UC MBEST visioning process.

Mr. Houlemard noted that UCSC and FORA had shared visioning process costs.

b. Letter from California Military Base Reuse Coalition to State Legislators

Mr. Houlemard informed the Board that the Executive Committee had authorized staff to move forward with a letter to the Joint Committees of the California State Assembly regarding the potential for the creation of "Military Base Reuse and Recovery Zones or another mechanism to help local jurisdictions to recover from the impacts of base closure.

4. PUBLIC COMMENT

Arthur McLoughlin, Chair of the Monterey Bay Youth Camp, stated that after 20 years they were preparing for the final transfer of the Youth Camp land. He announced that their Board of Directors currently had several vacancies and they were seeking qualified individuals to fill those positions. He asked that all interested parties provide their contact information to FORA staff member Stan Cook.

Ron Cheshire, Monterey Santa Cruz Building Construction and Trades Council, discussed the UC MBEST Final Visioning Report. He expressed concern regarding the lack of growth within the Monterey Bay Area community and the misinformation recently circulated regarding population growth projections. He emphasized the need for quality jobs for the middle class.

Ms. Stone stated that she was interested in the progress on the proposed Veterans Cemetery project and the Veterans Clinic. She inquired as to the location of the original Community Plan.

Mark Mesiti-Miller, Communities Organized for Relational Power in Action (COPA), discussed the importance of instituting a policy of local preference with regards to awarding contracts and urged the Board to select EMC Planning to complete the Base Reuse Plan (BRP) Reassessment. Chair Potter noted that the selection of a consultant to complete the BRP Reassessment was agenda item and suggested that Mr. Mesiti-Miller reserve his comments until the Board reached that item.

5. CONSENT AGENDA

a. February 22, 2012 FORA Board minutes

MOTION: Mayor Edelen moved, seconded by Mayor McCloud, and the motion passed to approve the minutes of February 22, 2012 as written.

VOTE: Abstain: Mayor Bachofner (not present for the February 22, 2012 meeting) Absent: Supervisor Calcagno

b. UC MBEST Center Stakeholders Visioning Group Commitment Letter

Per Mr. Houlemard's earlier announcement, the item will appear at a future meeting.

6. OLD BUSINESS

a. Base Reuse Plan reassessment consultant selection – 2nd Vote

FORA Associate Planner Darren McBain explained that at the February 22, 2012 Board meeting, a majority of the Board had voted in favor of awarding the consulting contract for completion of the BRP Reassessment to EMC Planning Group. As the vote was not unanimous, the item needed to return for a second vote. Due to the fact that the motion to award the contract to AECOM had not received majority approval at the February 22, 2012 meeting, it did not return for a second vote. Mr. McBain summarized the information provided in staff report. He announced that the RBF/AECOM team had withdrawn their proposal for the project and no longer wished to be considered.

Mr. Mesiti-Miller urged FORA to adopt a local preference policy.

Ralph Rubio, Carpenters Local 605, spoke in support of local preference. He stated that EMC Planning Group had done great job for FORA in the past and urged that the Board award the contract to them.

Mr. Cheshire, citizen, stated that both firms were qualified, but that EMC Planning Group was familiar with the history of the base closure and had compiled an experienced local team.

Ms. Stone stated that FORA needed to institute a strong local preference policy.

Mayor Pro-Tem O'Connell expressed dissatisfaction with the consultant selection process, noting that AECOM had scored higher in the panel interviews and the Administrative Committee concurrence. He indicated his plan to vote in opposition to the EMC Planning Group selection based on his concern about the process not EMC as an entity.

Mayor Donohue expressed support for EMC Planning Group.

MOTION: Mayor Edelen moved, seconded by Mayor Donohue, and the motion passed to authorize the Executive Officer to negotiate and enter into a contract with EMC Planning Group to perform the BRP Reassessment work, not to exceed \$250,000.

VOTE: No: Mayor Pro-Tem O'Connell dissented, passed by Second Vote majority

c. California Central Coast Veterans Cemetery – Support AB 1842

Mr. Houlemard stated that the 2012 Legislative Agenda included support for efforts to establish a California Central Coast Veterans Cemetery on Fort Ord. Currently, AB 629 allowed FORA to contribute to the design and application process for the proposed cemetery. AB 1842 proposed to create a mechanism by which any advances from the local community to the state endowment fund for veterans Cemetery design were reimbursable by federal funds received by the state. He emphasized that AB 1842 addressed a missing link in the process that would make it easier for local organizations and individuals to contribute to the establishment of a Veterans Cemetery. He emphasized that AB 1842 was scheduled to be heard in the State Assembly on March 20, 2012. In order to be effective, letters of support needed to be received by legislators prior to that date.

Ms. Stone inquired as to the timeline for the project, how many acres had been proposed for inclusion in the cemetery project, and how many jobs the project was anticipated to create for the community.

Tom Mancini, Veterans Cemetery Advisory Committee, urged the Board to sign the letter of support for AB 1842.

FORA Senior Planner Jonathan Garcia stated that the timeline for the project would be determined by when the funding was deposited into the state's endowment fund. Once that was done, the design phase would last approximately a year and a half. Construction would take approximately the same amount of time. The current cemetery proposal included approximately 78 acres. More jobs were anticipated during the construction phase, with 3-4 long-term positions needed to maintain the cemetery.

MOTION: Supervisor Parker moved, seconded by Councilmember Oglesby, and the motion passed to approve a Letter of Support for AB 1842.

d. Resolution in Support of a National Landscape Conservation System designation for former Fort Ord habitat lands

Mr. Houlemard stated that the Board had previously indicated support for the designation, but that White House representatives had asked for a show of formal support.

Mayor Edelen expressed support for the designation, noting that it would not affect adjacent property owners and their land designations.

Alec Arago, 17th Congressional District, added that a national Monument designation could only apply to federal land.

Chair Potter stated that he had been in Washington, D.C. earlier in the week and had discussed the designation with Bob Abbey's Chief of Staff. He inquired as to the possibility of expansive buffer zones that would affect proposed development and had been assured that was not the case.

Councilmember Oglesby expressed support for the designation.

Mr. Houlemard stated that Congressman Farr was confident that the support of local jurisdictions would be influential at the national level.

Mr. Cheshire provided an email of support he had sent to the Pew Environment Group, urging their support for the designation.

Ms. Stone expressed concern that the designation would restrict the use of the land for the local community.

MOTION: Supervisor Parker moved, seconded by Councilmember Oglesby, and the motion passed unanimously to adopt Resolution 12-2 in support of a National Landscape Conservation System designation for the Bureau of Land Management's (BLM's) former Fort Ord habitat lands.

7. NEW BUSINESS

None.

8. EXECUTIVE OFFICER'S REPORT

a. Outstanding Receivables

FORA Controller Ivana Bednarik stated that all payments were being made according to the agreed upon schedules.

b. Administrative Committee Report

Mr. Houlemard noted that the Administrative Committee minutes had been provided for Board review.

c. Finance Committee Report

Mr. Houlemard noted that the Finance Committee minutes had been provided for Board review.

d. Habitat Conservation Plan

Mr. Houlemard stated that he planned to speak with representatives from the U.S. Department of Fish and Wildlife Service while in Washington, D.C. for the Annual FORA Federal Legislative Mission

in April. The Habitat Conservation Plan was progressing according to the schedule provided to the Board at the February 10, 2012 Board Workshop.

e. Executive Officer's Travel Report

Mr. Houlemard explained that he had made several trips to Sacramento to discuss impacts to the community from the loss of redevelopment funds and to provide testimony before Assembly Committees. He stated that a panel would be meeting with the Speaker of the California State Assembly, Assemblymember Monning and a group of Assemblymembers regarding the creation of some form of recovery program. The program might come in the form of military base reuse and recovery zones, which would have a suite of mechanisms to assist the communities of the state. He discussed his trips to Sacramento to brief members of the Assembly Local Government Committee regarding AB 1614 and AB 1842 and his February trip to Miami for the Association of Defense Communities (ADC) Winter Forum.

Mayor Bachofner stated that the ADC Winter Forum trip was extremely useful and that it had provided a valuable opportunity to meet with colleagues across the nation facing similar military base closures. Chair Potter agreed and urged members of the Board to attend the August 2012 Annual ADC Conference Monterey.

Ms. Stone expressed concern that the public was not provided subsidy to attend the ADC Winter Forum. Mr. Houlemard explained that the ADC is a mixture of the private sector, the public sector, and military. He noted that FORA benefits from and contributes back to ADC.

9. ITEMS FROM MEMBERS

Upon the request of Councilmember Oglesby, Mr. Houlemard agreed to provide the Board with a copy of the UC MBEST Final Visioning Report.

Mr. Houlemard provided an explanation of the closed session items for the public.

Ms. Stone asked why Preston Park was being discussed in closed session. Chair Potter replied that the Brown Act permitted real property negotiations to be considered in closed session.

10. CLOSED SESSION – the Board adjourned into closed session at 4:35 p.m.

- a. Conference with Legal Counsel - Existing Litigation (Gov Code 54956.9) – 2 Cases
 - i. Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Number: M116438
 - ii. Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Number: M114961
- b. Real Property Negotiations (Gov Code 54956.8)
 - Property: Preston Park - APN 031-201-027 and APN 031-201-028
 - Principal Negotiator: Michael Houlemard (with FORA Board Negotiators)

The Board adjourned into open session at 5:08 p.m.

11. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION:

Authority Counsel Jerry Bowden announced that the Board provided instructions to the Negotiating Committee and staff.

12. ADJOURNMENT: Chair Potter adjourned the meeting at 5:34 p.m.

FORT ORD REUSE AUTHORITY BOARD REPORT**CONSENT AGENDA**

Subject:	Commitment of grant matching funds toward Transportation Agency for Monterey County's Multi-Modal Corridor planning grant	
Meeting Date:	April 13, 2012	ACTION
Agenda Number:	5b	

RECOMMENDATION:

Authorize a request by the Transportation Agency for Monterey County ("TAMC") for \$15,000 in grant matching funds toward their Multi-Modal Corridor ("MMC") planning grant application to the State of California Department of Transportation ("CalTrans").

BACKGROUND:

From 2006 through 2010, affected stakeholders met to conclude on a new alignment for a MMC that would serve the Salinas Valley and Monterey Peninsula through former Fort Ord communities. The stakeholders include the Fort Ord Reuse Authority ("FORA"), City of Marina, California State University Monterey Bay ("CSUMB"), University of California Santa Cruz ("UCSC"), Golden Gate University ("GGU"), Monterey-Salinas Transit ("MST"), Monterey County and TAMC. This work culminated in a Memorandum of Agreement between the parties, who mutually agreed to observe the final MMC alignment, cooperate in certain improvements, design and engineer the MMC, and grant and/or release right-of-way reservations or easements as necessary.

DISCUSSION:

In March 2011, TAMC applied for a planning grant to begin engineering the MMC. At TAMC's request, FORA submitted a letter of support and additionally committed to recommend that the FORA Board authorize \$15,000 in matching grant funds and 20 hours of in-kind services. Unfortunately, TAMC was not successful in their application effort.

TAMC is applying for a similar planning grant this year, and on March 12th, again requested a FORA letter supporting their MMC grant application. Support letters were due to TAMC by March 29, 2012. In an effort to be timely, FORA submitted the letter by the deadline (see the final letter, **Attachment A**) prior to Board notification.

If the TAMC grant application is successful, FORA staff recommends that the Board authorize the local match requirement by contributing \$15,000 from its 2012-2013 Capital Improvement Program ("CIP").

FISCAL IMPACT:

Reviewed by FORA Controller M. F. for I. B.

The \$15,000 matching funds would be sourced from Developer Fees collected in FY 12-13 and applied against FORA's obligation to improvements on Inter-Garrison Road, CIP Project #FO6.

COORDINATION:

City of Marina, CSUMB, UCSC, GGU, MST, TAMC, Monterey County, Administrative Committee, and Executive Committee.

Prepared by

Jonathan Garcia for
Crissy Maras

Approved by

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



FORT ORD REUSE AUTHORITY

920 2ND AVENUE, SUITE A, MARINA, CALIFORNIA 93933
PHONE: (831) 883-3672 - FAX: (831) 883-3675
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March 29, 2012

Ms. Debbie Hale, Executive Director
Transportation Agency for Monterey County
55-B Plaza Circle
Salinas, CA 93901

RE: Letter of support – Marina to Salinas Multi-Modal Corridor CalTrans planning grant

Dear Ms. Hale,

This letter offers support of the Transportation Agency for Monterey County's (TAMC's) Marina to Salinas Multi-Modal Corridor CalTrans planning grant application. Fort Ord Reuse Authority (FORA) staff have reviewed this project and concluded that the development of this future transportation corridor improves alternative modes of transportation, transit opportunities, economic development, and traffic circulation for the Monterey Bay Region.

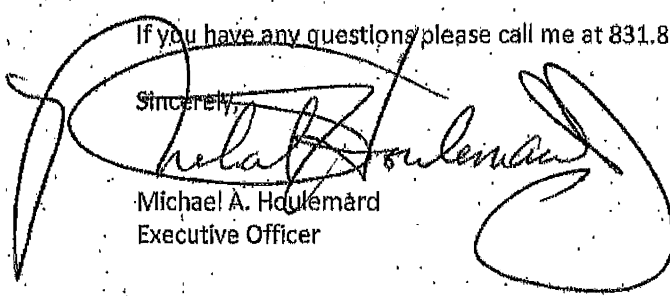
A key element in the reuse of Fort Ord is the development of effective infrastructure support that provides the framework for sustainable civilian reuse. If TAMC is awarded the planning grant, it will enable and expedite the construction of a key element of the infrastructure design that supports the job creation and economic recovery effort. A portion of the project is included in the FORA Capital Improvement Program and was anticipated in the 1997 FORA Base Reuse Plan. For these reasons, support for the grant application is consistent with past and existing FORA policy.

FORA strongly supports the TAMC effort to design and build the Multi-Modal Corridor which would serve the gateway to the Fort Ord Dunes State Park, The Dunes master-planned shopping, office and residential development, the Community Hospital of the Monterey Peninsula Wellness Center, California State University Monterey Bay and Monterey Peninsula College campuses, and transit facilities to provide Monterey-Salinas Transit access and service to the Salinas Valley.

FORA staff will recommend that the Board provide the grant's cash local match requirement by contributing \$15,000 from its 2012-2013 Capital Improvement Program and providing support towards the in-kind local match by dedicating at least 20 hours of our Senior Planner's time to TAMC's planning efforts. The in-kind match would be approximately \$1,000.

If you have any questions please call me at 831.883.3672.

Sincerely,


Michael A. Houlemard
Executive Officer

FORT ORD REUSE AUTHORITY BOARD REPORT**OLD BUSINESS**

Subject:	Base Reuse Plan Reassessment update and kickoff presentation	
Meeting Date:	April 13, 2012	INFORMATION/ACTION
Agenda Number:	6a (i and ii)	

RECOMMENDATION(S):

- i. Receive a status update regarding the contract between FORA and consulting firm EMC Planning Group, Inc. for EMC to perform the reassessment
- ii. Receive a presentation from EMC outlining their preliminary work plan for performing the reassessment

BACKGROUND/DISCUSSION:

On January 5, 2012 FORA released a Request for Qualifications (RFQ) to hire a consultant to perform the Base Reuse Plan (BRP) reassessment. On March 9, 2012 the Board selected a consultant team led by EMC Planning Group (EMC) to do this work.

FORA's master resolution requires the reassessment to be completed by January 1, 2013. The reassessment schedule (**Attachment A**) shows an approximate overall timeline of the anticipated steps for completing the process. The kickoff presentation is an opportunity for the consultants to discuss their approach to the steps in the reassessment, and for Board members and others to make suggestions for optimizing the inclusiveness of the process.

FORA staff negotiated with EMC to finalize and execute a detailed scope of work and budget similar to the general scope of work, as authorized by the Board's vote on this item on March 9. The finalized EMC contract is attached to this report (**Attachment B**) for informational purposes and to supplement the kickoff presentation.

The current scope of work and budget are within the \$250,000 limit identified in the Board's action on March 9. This limitation reflects the current availability of funds for the reassessment in the FY 2011-12 FORA Budget. Staff believes the outcome of the established scope of work will adequately address the requirements of the Sierra Club settlement agreement, which states "*the Authority Board will perform a full reassessment, review, and consideration of the Reuse Plan and all mandatory elements as specified in the Authority Act prior to the allocation of an augmented water supply, or prior to the issuance of a building permit for the 6001st new residential dwelling unit (providing a total population of 35,000 persons) on the Fort Ord Territory or by January 1, 2013, whichever event occurs first*" (emphasis added).

In addition to the basic scope of work attached to this report, FORA has received a number of requests from the Sierra Club, LandWatch, and EMC Planning Group to support the BRP reassessment with additional scope and budget items. As a result, EMC is developing a list of supplemental tasks and associated budget for consideration as an amendment to the current scope, should additional funding be made available in Fiscal Year 2012-13. The requests for additional tasks are generally described as completing a more in-depth analysis of particular subject areas that have come up in stakeholder meetings. These include the feasibility of "incentivizing" development on previously developed areas of the base, review of FORA's Consistency Determination process, targeted job creation, and analysis of financial and market

impacts of the recent economic downturn. This supplemental work would result in additional areas of analysis and documentation improving the overall utility of the reassessment as a basis for future policy decisions. Staff is currently working with EMC to refine their proposed list of supplemental tasks and work products, and will return with a detailed update at the May 2012 Board meeting. Please note that staff is moving ahead with a two-part contract to ensure that the settlement agreement terms requiring completion of the reassessment by January 1, 2013 will be met.

EMC will present an outline of their work plan at the current Board meeting. Staff will distribute a draft printed version of the consultant's presentation materials as soon as they become available.

FISCAL IMPACT:

Reviewed by FORA Controller *M.F. for 1.3.*

Anticipated staff time and consultant costs for the reassessment are included in the approved FY 11-12 budget. Depending on the outcome of the reassessment, the Board may wish to consider amending portions of the BRP. Amending the BRP would trigger a requirement to complete the corresponding level of CEQA analysis and clearance before adopting the revisions. The ability to carry out these potential future tasks of BRP revision and CEQA clearance is dependent on future Board direction and the availability of funding. Funding for the subsequent tasks may be provided in the FY 12-13 budget, but has not been identified at this time.

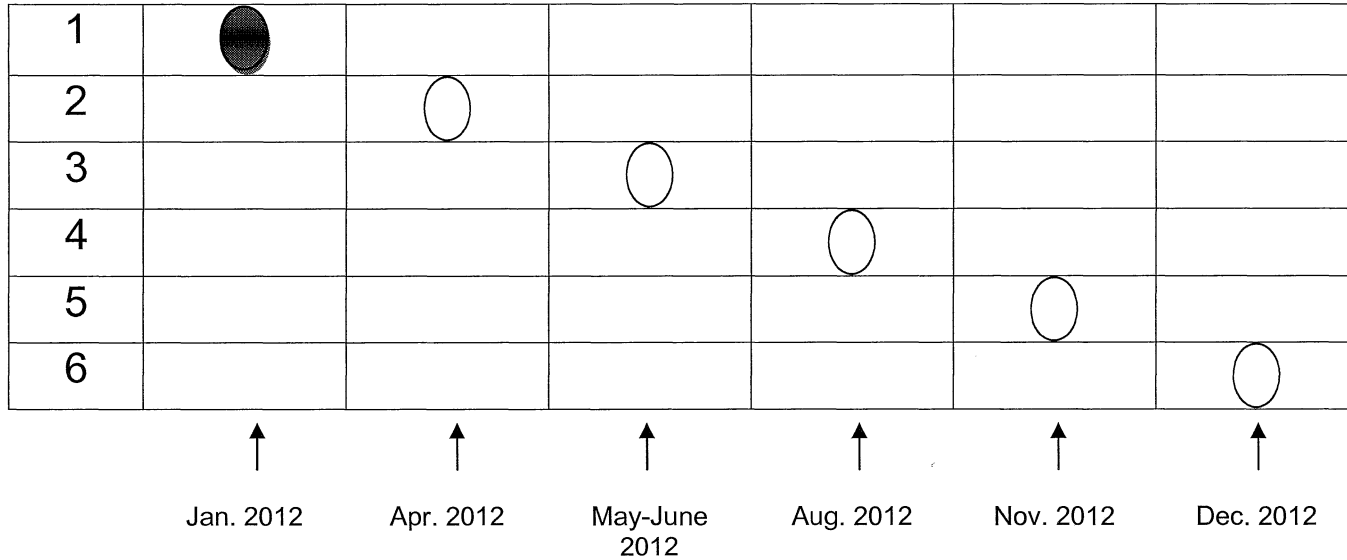
COORDINATION:

Administrative Committee, Executive Committee, and Authority Counsel.

Prepared by *Darren McBain* Reviewed by *D. Steven Endsley*
Darren McBain Steve Endsley
Approved by *Michael A. Houlemard, Jr.*
Michael A. Houlemard, Jr.

FORT ORD BASE REUSE PLAN REASSESSMENT SCHEDULE

Attachment A to item 6a
FORA Board meeting, 4/13/12



1. RFQ process to select BRP review consultant
2. Board Kickoff presentation
3. Public workshops (May – June)

4. Present draft initial “scoping” report (market study and public outreach summary) to Admin. Committee and FORA Board
5. Present draft Reassessment Report to Admin. Committee and FORA Board
6. Final action completed

Professional Services Agreement

This Professional Services Agreement (hereinafter referred to as "Agreement") is by and between the Fort Ord Reuse Authority, a political subdivision of the State of California (hereinafter referred to as "FORA") and EMC Planning Group, Inc. (hereinafter referred to as "Consultant")

The parties agree as follows:

1. **SERVICES.** Subject to the terms and conditions set forth in this Agreement, Consultant shall provide FORA with services associated with the Base Reuse Plan Reassessment as described in Exhibit "A". Such services will be at the direction of the Executive Officer of the Fort Ord Reuse Authority or the Executive Officer's designee.

2. **TERM.** Consultant shall commence work under this Agreement effective on February 23, 2012 and will diligently perform the work under this Agreement until January 31, 2013 or until the maximum amount of the compensation as noted below is reached. The term of the Agreement may be extended upon mutual concurrence and amendment to this Agreement.

3. **COMPENSATION AND OUT OF POCKET EXPENSES.** The overall maximum amount of compensation to Consultant over the full term of this Agreement is not to exceed \$249,995 (two hundred forty-nine thousand nine hundred ninety-five dollars) including out of pocket expenses. FORA shall pay Consultant for services rendered pursuant to this Agreement at the times and in the manner set forth in Exhibit "A".

4. **FACILITIES AND EQUIPMENT.** Consultant is not required to use FORA facilities or equipment for performing professional services. At the Executive Officer's request, Consultant shall arrange to be physically present at FORA facilities to provide professional services at least during those days and hours that are mutually agreed upon by the parties to enable the delivery of the services noted in the Scope of Services attached hereto in Exhibit "A."

5. **GENERAL PROVISIONS.** The general provisions set forth in Exhibit "B" are incorporated into this Agreement. In the event of any inconsistency between said general provisions and any other terms or conditions of this Agreement, the other term or condition shall control only insofar as it is inconsistent with the General Provisions.

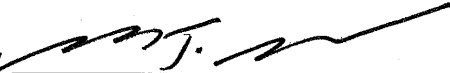
6. **EXHIBITS.** All attachments and exhibits referred to herein are attached hereto and are by this reference incorporated herein.

IN WITNESS WHEREOF, FORA and CONSULTANT execute this Agreement as follows:

FORA

CONSULTANT

By _____
Michael A. Houlemard, Jr. Date
Executive Officer

By  _____
Michael Groves Date
Senior Principal 4-6-12

Approved as to form:

Gerald D. Bowden, Authority Council

SCOPE OF SERVICES

Base Reuse Plan Reassessment

The consultant will complete the tasks and deliverables described in the document "Fort Ord Reuse Plan Reassessment Scope of Work," dated April 4, 2012, attached to this Exhibit A and incorporated by this reference herein. The consultant will meet all applicable federal, state, and local regulatory standards in the completion of this work.

Budget

Not to exceed \$249,995.

FORT ORD REUSE PLAN REASSESSMENT SCOPE OF WORK

EXECUTIVE SUMMARY

The scope of work consists of four major tasks: Task 1.0 Administration, Meetings, and Coordination; Task 2.0 Research and Scoping; Task 3.0 Summary Scoping Report; and Task 4.0 Reassessment Document.

Task 1.0 Administration, Meetings, and Coordination includes attendance at a variety of meetings. Meetings include four each at Administrative Committee, Executive Committee, and the Board; and additional meetings with staff and with other groups as directed by staff. This task also includes administrative duties, such as communications and managing the schedule and budget.

Task 2.0 Research and Scoping is the information gathering stage of the project. The market study and public outreach will take place under this task. Outreach is proposed to include four co-hosted workshops, with an option for a fifth workshop. The market study will include research into regional jobs, population, and development outlook; emerging trends, real estate performance, vertical development feasibility, competitive position, and real estate demand. An update to the Financial and Capitol Improvement Program will be provided.

This task also includes background research and development of information on the status of the base reuse plan's implementation. For example, maps and tables will be produced to demonstrate reuse of the former military installation from the inception of the base reuse plan to date.

Task 3.0 Summary Scoping Report will present the findings of the input and research effort for consideration by the Board. Based on the information in the Summary Scoping Report, the Board will provide direction for Reassessment Report preparation .

Task 4.0 Reassessment Report is preparation of the report the Board will adopt in December. Although the content of this report will be shaped in part by the Board, it is envisioned that it will contain several specific parts: a summary of the key findings of the Summary Scoping Report, a summary of Board comment on the Summary Scoping Report, and a listing of items for which the Board may consider future action. It is anticipated that the recommended actions would be categorized as housekeeping actions, routine actions, and actions requiring special attention and consideration by FORA.

TASK 1.0 ADMINISTRATION, MEETINGS, AND COORDINATION

1.1 Scope and Contract Finalization

Prepare a final scope of work and budget, execute a contract for services with FORA, and execute contracts with subconsultants.

1.2 Management and Communications

EMC Planning Group will establish digital and hard-copy project files, manage the budget and schedule, document the project process, maintain the project record, and provide project coordination and ongoing communications with FORA's project manager and subconsultants. The project manager will document important communications in letters, memos, and/or emails. The EMC Planning Group team will be led by Michael Groves as Principal-in-Charge and co-managed by Principal Planners Ron Sisseem and Richard James. Ron Sisseem will oversee the managerial aspects (communications, meetings, sub-consultant coordination, etc.) and Richard James will oversee the product development aspects of the project. Weekly phone contacts will be made and bi-weekly bullet list progress summaries will be provided to the FORA project manager.

1.3 FORA Meeting Attendance

Attend FORA Board and Committee meetings to present reports, respond to questions, and provide process and project information. The basic budget assumes attendance by various combinations of staff at four Board meetings and eight Committee meetings, as outlined in greater detail below. The basic budget assumes three additional meetings at the FORA offices. When possible, staff meetings will be coordinated with another scheduled meeting. EMC Planning Group will provide agenda topics for the staff meetings when appropriate; it is

expected that FORA staff will prepare agendas and minutes for all meetings. The meeting budget includes preparation and travel time. Each meeting will be attended by EMC Planning Group team members as follows:

Board Meetings.

- Introduction/Presentation of Work Plan (April 2012); Attended by Michael Groves, Ron Sissem, Richard James, and representatives of Economic Planning Systems, Denise Duffy Associates, and Ingram Group.
- Presentation of Market Report and Summary Scoping Report (August 2012); Attended by Michael Groves, EMC Planning Group Principal Planner, and representatives of Economic Planning Systems, Denise Duffy Associates, and Ingram Group.
- Presentation of Draft Reassessment Report (November 2012); Attended by Michael Groves, an EMC Planning Group Principal Planner, and a representative of Economic Planning Systems.
- Adoption of Reassessment Report (December 2012); Attended by Michael Groves, an EMC Planning Group Principal Planner, and a representative of Economic Planning Systems.

Executive Committee Meetings.

The EMC Planning Group team will attend one Executive Committee meeting leading up to each of the above Board meetings.

- Introduction; Attended by an EMC Planning Group Principal Planner.
- Presentation of Market Report and Summary Scoping Report (August 2012); Attended by Michael Groves, an EMC Planning Group Principal Planner, and representatives of Economic Planning Systems, Denise Duffy Associates, and Ingram Group.
- Presentation of Draft Reassessment Report (November 2012); Attended by Michael Groves, an EMC Planning Group Principal Planner, and a representative of Economic Planning Systems.
- Adoption of Reassessment Report (December 2012). Attended by Michael Groves, an EMC Planning Group Principal Planner, and a representative of Economic Planning Systems.

Administrative Committee Meetings.

The EMC Planning Group team will attend one Administrative Committee meeting leading up to each of the above Board meetings.

- Introduction; Attended by Michael Groves, and representatives of Denise Duffy Associates, and Ingram Group.
- Presentation of Market Report and Summary Scoping Report; Attended by Michael Groves, an EMC Planning Group Principal Planner, and representatives of Economic Planning Systems, Denise Duffy Associates, and Ingram Group.
- Presentation of Draft Reassessment Report; Attended by Michael Groves, an EMC Planning Group Principal Planner, and a representative of Economic Planning Systems.
- Adoption of Reassessment Report; Attended by Michael Groves, an EMC Planning Group Principal Planner and a representative of Economic Planning Systems.

Ad Hoc Meeting.

Michael Groves, Ron Sisseem, and Richard James will attend one ad hoc meeting, identified by FORA staff as a planned meeting with the Sierra Club on April 2, 2012.

Staff Meetings.

Michael Groves and an EMC Planning Group Principal Planner will attend two staff meetings. It is anticipated that these meetings would be used to either guide development of or review comments on the draft summary scoping report and the administrative draft reassessment document. Economic Planning Systems will be available to attend one of the staff meetings.

Meeting presentations will be oral, accompanied by a slide show (as applicable) at Administrative Committee meetings and Board meetings. Printed materials will be limited to the market and scoping reports and a letter-sized handout (up to six pages) at two of the Administrative Committee meetings and two of the Board meetings.

Refer also to Task 2.4 Public Outreach for public workshops.

Deliverables for Task 1.0

- Contracts and supporting documentation [printed]
- Project schedule
- Written communications and bi-weekly bullet list update summaries

- Administrative Committee and Board presentation handouts [letter size, up to six pages each, printed]

Table 1 Meeting Attendance Summary

Meeting (Number of Meetings)	Michael Groves	Principal Planner(s)	Economic Planning Systems	Denise Duffy Associates	The Ingram Group
Board (4)	4	5	4	2	2
Committee (8)	7	7	6	3	2
Ad Hoc (1)	1	2	0	0	0
Staff (2)	2	2	1	0	0

TASK 2.0 RESEARCH AND SCOPING

2.1 Background Research

Review the following documents (as applicable to each team member's role):

- Fort Ord Reuse Authority Act;
- Fort Ord Reuse Plan documents (Context and Framework, Reuse Plan Elements, Appendices, and Final Environmental Impact Report) and the 2001 digital publication of the Fort Ord Reuse Plan;
- Chapter 8 of the Master Resolution and Sierra Club settlement documents;
- Summary Overview of Financial Implications of Final Base Reuse Plan;
- Development Resource Management Plan;
- FORA Fee Reallocation Study;
- Highway 1 Design Corridor Design Guidelines;
- Storm Water Master Plan;
- Memorandum of Agreement among the U.S. Army, MRWPCA, FORA and MCWD;
- Economic Analysis of Below Market Rate Housing;

- Affordable/Workforce Housing Study;
- Alan Waltner memo regarding reassessment process;
- FORA consistency reviews and actions list or summary; and
- Other pertinent documents.

2.2 Fort Ord Reuse Plan Policy and Document Review

Review Fort Ord Reuse Plan policies and programs and identify those that by way of completion or changed circumstances may be considered for modification or elimination. Compile a list of such policies and programs.

2.3 Consistency Determinations Review

Review a database of projects provided by FORA staff, for which FORA Consistency Review has been completed. Identify project sites for which consistency determination may indicate that changes have been made to the land use map. Compile a list of such sites.

2.4 Reuse Plan Implementation Status

The EMC Planning Group team will prepare a graphic and tabular comparison of the Fort Ord Reuse Plan with actual implementation progress to date. Base maps will be prepared in a GIS format. The basic level of effort addresses land use and presents information in the following maps and/or tables:

- Land uses at the time of base closure (classified as developed, undeveloped, or land hosting prior military operations), to be used as a base map for the following maps;
- Projects that have been completed or are under active construction;
- Approved but un-built projects;
- Proposed but not approved projects; and
- Vacant land (no approved or actively proposed projects) that is planned for development.

2.5 Consistency with Local and Regional Plans

Review policies and programs in the following local and regional plans:

- MBUAPCD Air Quality Management Plan;
- TAMC Regional Transportation Plan;
- RWQCB Water Quality Control Plan for the Central Coastal Basin;
- BLM Resource Management Plan for the Southern Diablo Mountain Range and Central Coast of California.
- General Plans for Marina, Seaside, Del Rey Oaks, and Monterey;
- California State University Monterey Bay Master Plan; and
- Monterey County 2010 General Plan and Fort Ord Master Plan.
- FORA Highway 1 Design Corridor Design Guidelines

Prepare a list of local and regional plan policies and programs for which the Fort Ord Reuse Plan's policies may be in conflict or otherwise inconsistent.

2.6 Technical Inputs and Analysis

Consult with Denise Duffy and Associates, Creegan + D'Angelo, Hexagon Transportation Consultants, and ARCADIS regarding topical issues, including environmental setting, water resources, biological resources, utility infrastructure, transportation, and hazardous materials/ordnance clean-up. Denise Duffy and Associates will provide specific inputs to Economic Planning Systems for use in the market study. Hexagon Transportation Consultants, Creegan + D'Angelo, and ARCADIS will provide data and consultation support.

2.7 Market Study

Economic Planning Systems will prepare a market study recognizing the complex inter-relationships surrounding the re-development and maintenance of the former military base for primarily civilian purposes. The goal of this analysis is to validate and adjust the type, amount, locations, timing, and mix of new uses and to ensure that funding resources can sustain effective reuse oversight; habitat maintenance, ordnance removal, and affordable housing obligations; and provision of adequate regional infrastructure. In addition to the management and research tasks listed earlier, the market study will include the following subtasks:

Focused Stakeholder Interviews. In addition to participation in the public outreach workshops (Task 2.8), Economic Planning Systems will conduct up to five meetings with parties as needed, potentially including:

- FORA engineering and planning staff;
- Educational entities (e.g., California State University, University of California);
- Service providers such as Transportation Agency for Monterey County, Marina Coast Water District, Monterey Regional Water Pollution Control Agency, and others;
- Legislative stakeholders at the local, state, and national level knowledgeable about emerging legislation pertaining to base reuse finance; and or
- Private-sector development and investment interests directly related to Fort Ord projects.

Before each stakeholder group event, Economic Planning Systems will prepare a list of pertinent economic issues and questions pertaining to the subject. Economic Planning Systems will prepare a summary of key issues and concerns expressed, with recommendations on specific research issues and concerns to be addressed in the market study. It is preferred that stakeholder interviews for the economic analysis will be grouped.

Regional Jobs, Population, and Preliminary Development Outlook. Compare and contrast population forecasts from several sources, evaluate the projections, and distill into a unified forecast for the Monterey Bay region. Develop housing forecasts for single-family and attached units. Forecast job growth by applying empirical relationships between job growth by sector and reliance on specific building types with reference to employment densities and floor-area ratios. Retail analysis will be supplemented with an evaluation of potential consumer expenditures versus existing and planned competitive supply. Hotel and entertainment uses will take stock of available performance data acquired from Smith Travel Research and/or other sources.

Emerging Trends. Qualitatively identify and discuss prospects for industries that have little track record in the region. Identify key emerging trends that may not be prevalent in historical data.

Real Estate Performance Metrics. Compile real estate performance data affecting prospects for residential and commercial development, including unit price points, absorption rates, vacancy rates, capitalization rates, lease rates, land prices, room rates, and other key factors affecting investor and developer activity in the region.

Vertical Development Feasibility Profiles. Describe principal product types likely to be identified through initial market research. For up to ten distinct product types, create static pro formas to understand the relative performance among specific types of development. This approach will begin with price points or capitalized net lease rates to establish asset value and back out key cost elements such as fees, horizontal costs, and vertical costs to understand overall feasibility issues. Utilize this information to calibrate development outlook and understand the

likely character of development as fiscal and financing issues are evaluated. Evaluate any anticipated financing gaps to understand public policy options that may be necessary to achieve feasibility.

Competitive Position. Evaluate the competitive position of the former Fort Ord projects relative to other regional development capacity to evaluate and confirm the level of market support, with specific emphasis placed on the rate and location of future development.

Real Estate Demand Outlook. Prepare conclusions of the market analysis, specifying the amount, character, and pace of residential and commercial development and identifying key future development prototypes with reference to key features, price points, and location preferences relative to major transportation facilities and other uses.

Financial and Capitol Improvement Program Update. Augment previous and ongoing analysis of base reuse financial strategies through the incorporation of undated market information and developments in the world of public finance in California. Incorporate and expand efforts to understand and influence the availability of tax increment and a suite of potential new or modified mechanisms that could become available. Evaluate enforceable obligations in the form of continued tax increment receipts that may be payable from individual jurisdictions to FORA and will be incorporated into the updated CIP sources and uses analysis, including testing of scenarios relating to the amount and timing of any such payments. Augment previous analysis to ensure that the prospective development program can capitalize and sustain the HCP endowment in perpetuity.

2.8 Community Outreach

The community outreach program will consist of four public workshops. Each workshop will be co-hosted by FORA and a stakeholder, and facilitated by The Ingram Group with assistance at each workshop from EMC Planning Group, Economic Planning Systems, and Denise Duffy and Associates staff. The following four public workshops are envisioned:

- FORA/City of Marina Outreach Workshop
- FORA/Cities of Seaside, Del Rey Oaks, and Monterey Outreach Workshop
- FORA/Monterey County/San Benito County/Santa Cruz County Outreach Workshop
- FORA/Sierra Club Outreach Workshop

The workshops will include an introductory presentation by FORA, a presentation of the reassessment effort and background work completed, and an opportunity for public input to the process. The Ingram Group will make key contacts before and/or following the workshops,

participate in a pre-workshop meeting with other team members, design the workshop program, provide input on the workshop noticing, and prepare the presentation content (with assistance from EMC Planning Group graphics staff). Printed handouts (letter-sized up to four pages each) will be provided for up to 150 attendees at each workshop. Up to four 24x36 inch display boards will be provided, which will be used at all four workshops. The EMC Planning Group team will organize the space in advance of the workshop, facilitate the workshop, provide hospitality, and break down the space following the workshop.

The budget assumes that FORA staff will handle organizational logistics, including circulation of notices, contact and arrangements with co-hosts, and arrangements for venues and equipment. Each co-host will be responsible for its part in the workshop, including supplying staff and any supplemental materials for distribution.

Product deliverables will be provided to FORA in electronic format, to facilitate placement on the FORA website by FORA staff.

Deliverables for Task 2.0

- Market Study (technical memos and final report)
- Workshop notices/advertisements [printed]
- Workshops facilitation materials [Four 24x36-inch display boards and up to 600 printed letter-sized handouts up to 4 pages]
- Workshop minutes/notes

Table 2 Outreach Workshop Attendance Summary

Meeting (Number of Meetings)	Michael Groves	Principal Planner(s)	Economic Planning Systems	Denise Duffy Associates	The Ingram Group
Workshop (4)	4	4	4	4	4

TASK 3.0 SUMMARY SCOPING REPORT

3.1 Draft Report Preparation

Based on the findings of the scoping process, prepare a draft summary scoping report. The report will include the following components:

- Summary of findings;
- Research methodologies and outreach efforts;
- Background and implementation status summary, tables, and maps;
- Bullet list of plan changes made through FORA Board Consistency Determination Actions
- Bullet list of policies and programs that may require attention;
- Bullet list of local and regional plan policy inconsistencies;
- Market study summary;
- Appendices (Market Study, habitat memos).

3.2 Final Report Preparation

Based on comments received from FORA staff, revise scoping report.

Deliverables for Task 3.0

- Summary Scoping Report (draft and final)

TASK 4.0 REASSESSMENT DOCUMENT

4.1 Board Direction Summary

Following the summary scoping report presentation and based on FORA Board discussion at the presentation meeting, the Consultant will:

1. Consult with FORA staff;
2. Review Board comments/discussion;
3. Prepare Board Direction Summary as needed.

4.2 Administrative Draft Report Preparation

The content of this document will be shaped in part by the Board and be identified in Task 4.1.

It is envisioned that the report will contain several specific parts: a summary of the key findings of the Summary Scoping Report, a summary of Board comment on the Summary Scoping Report, a listing of items for which the Board may consider future action, and analysis of the status of each mandatory element of the base reuse plan.

The EMC Planning Group team will distill the information from the summary scoping report and develop a list of issues for further consideration. The mandatory element analysis will include review of the base reuse plan objectives, policies, and programs, and suggest/recommend changes to these if needed. The issues for further consideration will be classified by level of importance and/or complexity; i.e. some issues will be categorized as routine or housekeeping issues with little complexity or controversy, while others will be more complex, controversial or both. It is anticipated that the recommended actions would be categorized as housekeeping actions, routine actions, and actions requiring special attention and consideration by FORA.

4.3 Draft Reassessment Report

Based on comments from FORA staff, revise the reassessment report for presentation to the FORA Board.

4.4 Final Reassessment Report

Based on direction from the FORA Board, revise the reassessment report for final adoption. A proof draft will be provided for FORA staff and Executive Committee review prior to printing the final reassessment report.

Deliverables for Task 4.0

- Reassessment Report (administrative draft, public draft, proof final, and final)

Note on Deliverables

All project deliverables are assumed to be provided in electronic format only, unless otherwise noted.

GENERAL PROVISIONS

1. INDEPENDENT CONSULTANT. At all times during the term of this Agreement, CONSULTANT shall be an independent Consultant and shall not be an employee of FORA. FORA shall have the right to control CONSULTANT only insofar as the results of CONSULTANT'S services rendered pursuant to this Agreement.
2. TIME. CONSULTANT shall devote such services pursuant to this Agreement as may be reasonably necessary for satisfactory performance of CONSULTANT'S obligations pursuant to this Agreement. CONSULTANT shall adhere to the Schedule of Activities shown in Attachment "A".
3. INSURANCE.
 - a. MOTOR VEHICLE INSURANCE. CONSULTANT shall maintain insurance covering all motor vehicles (including owned and non-owned) used in providing services under this Agreement, with a combined single limit of not less than \$100,000/\$300,000.
4. CONSULTANT NO AGENT. Except as FORA may specify in writing, CONSULTANT shall have no authority, express or implied to act on behalf of FORA in any capacity whatsoever as an agent. CONSULTANT shall have no authority, express or implied, pursuant to this Agreement, to bind FORA to any obligation whatsoever.
5. ASSIGNMENT PROHIBITED. No party to this Agreement may assign any right or obligation pursuant to this Agreement. Any attempted or purported assignment of any right or obligation pursuant to this Agreement shall be void and of no effect.
6. PERSONNEL. CONSULTANT shall assign only competent personnel to perform services pursuant to this Agreement. In the event that FORA, in its sole discretion, at anytime during the term of this Agreement, desires the removal of any person or persons assigned by CONSULTANT. CONSULTANT shall remove any such person immediately upon receiving notice from FORA of the desire for FORA for the removal of such person or person.
7. STANDARD OF PERFORMANCE. CONSULTANT shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which CONSULTANT is engaged in the geographical area in which CONSULTANT practices his profession. All products and services of whatsoever nature, which CONSULTANT delivers to FORA pursuant to this Agreement, shall be prepared in a substantial, first-class, and workmanlike manner, and conform to the standards of quality normally observed by a person practicing in CONSULTANT'S profession. FORA shall be the sole judge as to whether the product or services of the CONSULTANT are satisfactory.
8. CANCELLATION OF AGREEMENT. Either party may cancel this Agreement at any time for its convenience, upon written notification. CONSULTANT shall be entitled to receive full payment for all services performed and all costs incurred to the date of receipt entitled to no further compensation for work performed after the date of receipt of written notice to cease work shall become the property of FORA.

9. PRODUCTS OF CONTRACTING. All completed work products of the CONSULTANT, once accepted, shall be the property of FORA. CONSULTANT shall have the right to use the data and products for research and academic purposes.

10. INDEMNIFY AND HOLD HARMLESS. CONSULTANT is to indemnify, defend, and hold harmless FORA, its officers, agents, employees and volunteers from all claims, suits, or actions of every name, kind and description, brought forth on account of injuries to or death of any person or damage to property arising from or connected with the willful misconduct, negligent acts, errors or omissions, ultra-hazardous activities, activities giving rise to strict liability, or defects in design by the CONSULTANT or any person directly or indirectly employed by or acting as agent for CONSULTANT in the performance of this Agreement, including the concurrent or successive passive negligence of FORA, its officers, agents, employees or volunteers.

It is understood that the duty of CONSULTANT to indemnify and hold harmless includes the duty to defend as set forth in Section 2778 of the California Civil Code. Acceptance of insurance certificates and endorsements required under this Agreement does not relieve CONSULTANT from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply whether or not such insurance policies have been determined to be applicable to any of such damages or claims for damages.

FORA is to indemnify, defend, and hold harmless CONSULTANT, its officers, agents, employees and volunteers from all claims, suits, or actions of every name, kind and description, brought forth on account of injuries to or death of any person or damage to property arising from or connected with the willful misconduct, negligent acts, errors or omissions, ultra-hazardous activities, activities giving rise to strict liability, or defects in design by FORA or any person directly or indirectly employed by or acting as agent for FORA in the performance of this Agreement, including the concurrent or successive passive negligence of CONSULTANT, its officers, agents, employees or volunteers.

11. PROHIBITED INTERESTS. No employee of FORA shall have any direct financial interest in this agreement. This agreement shall be voidable at the option of FORA if this provision is violated.

12. CONSULTANT-NOT PUBLIC OFFICIAL. CONSULTANT possesses no authority with respect to any FORA decision beyond the rendition of information, advice, recommendation or counsel.

FORT ORD REUSE AUTHORITY BOARD REPORT**OLD BUSINESS**

Subject:	California Central Coast Veterans Cemetery – Update	
Meeting Date:	April 13, 2012	INFORMATION
Agenda Number:	6b	

RECOMMENDATION:

Receive an update on the California Central Coast Veterans Cemetery (“CCCVC”).

BACKGROUND/DISCUSSION:

In the past, FORA has taken a number of indirect steps to aid and support this worthy project. In 2011, the State Assembly and Senate passed AB 629. Governor Brown also signed AB 629 into law, allowing the California Department of Veterans Affairs (“CDVA”) to contract directly with FORA to conduct veterans’ cemetery design and construction, potentially reducing the Endowment Fund requirement by more than \$500,000 and expediting the project. AB 629 went into effect in January 2012.

FORA, Seaside, and County staff completed a review of FORA’s most recent estimate for conducting the cemetery design work in two phases. FORA provided this estimate to CDVA. CDVA will work with the California Department of Finance (“CDF”) with the goal of obtaining their sign-off to use FORA’s estimate instead of the California Department of General Services’ (“CDGS”) higher estimate as a basis for the endowment funding requirement needed to allow cemetery design to proceed. There is no specific deadline, but, depending on whether FORA’s or CDGS’s estimate is used by CDF, either \$508,000 or \$1,006,000 would need to be deposited into the State’s Veterans Cemetery Endowment in order for phase I design (called Preliminary Plans) to begin. Another \$882,000 to \$960,000 would be needed to begin phase II design (called Working Drawings).

At the October FORA Board meeting, Supervisor Parker requested that FORA staff address the question: Is there a means for FORA to fund the Veterans Cemetery. The 2008 recession and elimination of redevelopment further constrict FORA’s options to indirectly support financing the project. The FORA Board directed the Veterans Cemetery funding question to the Finance Committee for further analysis. The Finance Committee reviewed this item in February and will review the item at future meetings. FORA is also supporting AB 1842, legislation by Assemblymember Bill Monning. AB 1842 proposes to: (1) permit the California Department of Veterans Affairs (CDVA) to enter into financial agreements to receive cash advances that will be used for triggering the initial phase of the construction project and (2) provide CDVA with the authority to repay the cash advances from reimbursements received from the U.S. Department of Veterans Affairs. It is anticipated that the Assembly Veterans Affairs Committee will consider AB 1842 on April 24, 2012.

FISCAL IMPACT:

Reviewed by FORA Controller *M.F. for 1.3.*

Staff time related to this item is included in FORA’s annual budget.

COORDINATION:

City of Seaside, County of Monterey, CDVA, CDF, CDGS, Assemblymember Bill Monning’s Office, Executive Committee, and Administrative Committee.

Prepared by

Robert Norris

Approved by

Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject: Preston Park – Updated Appraisal

Meeting Date: April 13, 2012

Agenda Number: 6c

INFORMATION

RECOMMENDATION(S):

Receive a report on the updated appraisal for Preston Park (**Attachment A**).

BACKGROUND/DISCUSSION:

The Fort Ord Reuse Authority ("FORA") has owned the Preston Park Housing Complex since 2000, when it was transferred by the US Army. Prior to that, FORA leased Preston Park from the Army under the conditions of a Lease in Furtherance of Conveyance ("LIFOC"). The terms of operating the complex have remained similar to those in the initial LIFOC since 1997.

As a result of actions by the FORA Board in 2009, FORA and Marina entered into negotiations for Marina to acquire ownership of the Preston Park property by buying out FORA's 50% share and the remaining development fees owed. Negotiations between Marina and FORA were unsuccessful, and last year the parties entered mediation to resolve terms leading to a sale of the property or Marina acquisition as noted above. Mediation also proved unsuccessful and at its January 13, 2012 meeting, the FORA Board authorized a Preston Park updated appraisal and sale/disposition process. FORA staff hired CBRE to update the 2010 appraisal and is securing a broker or transaction attorney to market Preston Park for 3rd party sale.

CBRE's updated appraisal (**Attachment A**) estimates the value of Preston Park at \$60,900,000. The updated appraisal is a useful tool for understanding the fair market value of the property and conducting the property sale, and will be provided to potential brokers and/transaction attorneys in the selection process. FORA staff anticipate hiring a broker/attorney to handle the sale within the coming three weeks and then will offer the property for sale shortly thereafter.

FISCAL IMPACT:

Reviewed by FORA Controller *M. F. for 1.3.*

Costs associated with Preston Park disposition including legal, mediation, and appraisal costs are included in the approved FY 11-12 operating budget.

COORDINATION:

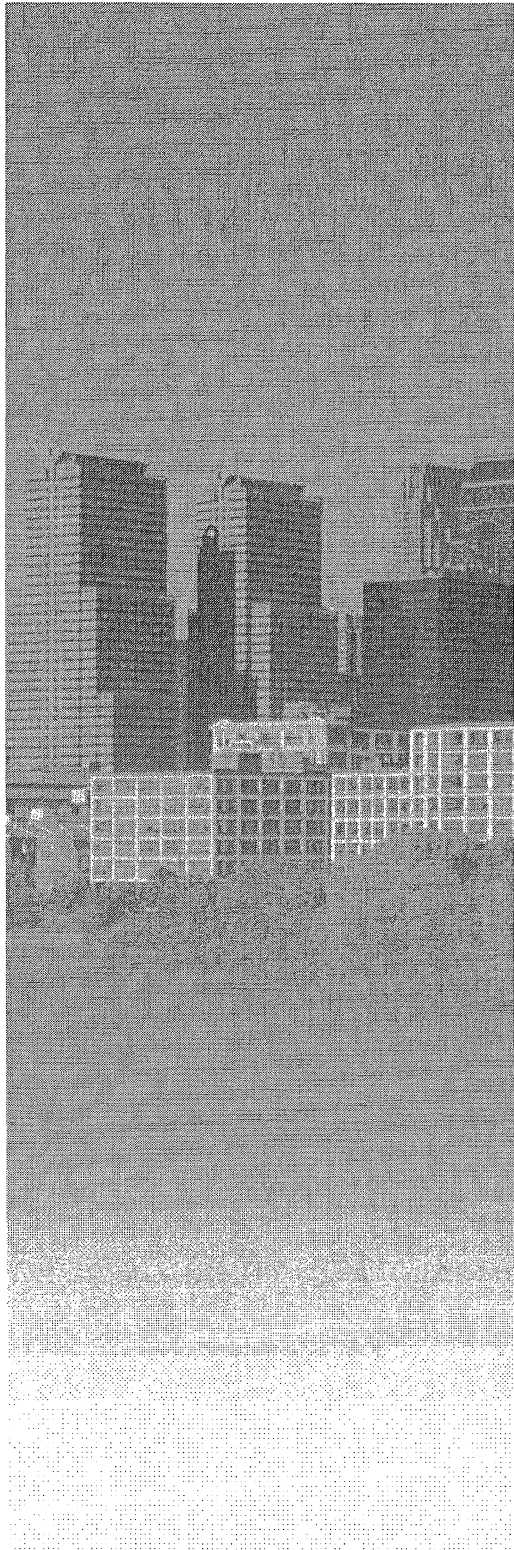
Marina, Executive Committee, Authority Counsel, special legal counsel, Judicial Arbitration and Mediation Services, Inc. ("JAMS"), Preston Park ad hoc Negotiating Committee, and Alliance.

Prepared by

Robert J. Norris, Jr.
Robert J. Norris, Jr.

Approved by

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



PRESTON PARK APARTMENTS
Reservation Road and Imjin Road
Marina, Monterey County, California 93933
CBRE, Inc. File No. 12-231SF-0111

**Summary
Appraisal Report**

Prepared For:

Mr. Michael A. Houlemard, Jr.
Executive Officer
FORA
100 12th Street
Marina, California 93933

VALUATION & ADVISORY SERVICES





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February 29, 2012

Mr. Michael A. Houlemard, Jr.
Executive Officer
FORA
100 12th Street
Marina, California 93933

RE: Appraisal of Preston Park Apartments
Reservation Road and Imjin Road
Marina, Monterey County, California
CBRE, Inc. File No 12-231SF-0111

Dear Mr. Michael A. Houlemard, Jr.:

At your request and authorization, CBRE, Inc. has prepared an appraisal of the hypothetical market value of the referenced property. Our analysis is presented in the following Summary Appraisal Report.

The subject is a 352-unit townhouse style multi-family housing development located at the intersection of Reservation Road and Imjin Road in the City of Marina. The subject was built in 1989 and is situated on a 109.300-gross acre site. Currently, the facility is 99.1% occupied and is considered to be in average condition. It should be noted that 51 of the subject units are subject to a below market rent agreement between the Redevelopment Agency of the City of Marina and Fort Ord Reuse Authority, as will be further discussed in the report. Currently, contract rents are estimated to be 16.3% below market levels, primarily due to the fact that current property ownership only increases rental rates by the lesser of 3.0% or CPI, rather than bringing tenants to market levels upon renewal. Additionally, given that the subject is owned by the government, property taxes are currently minimal. In consultation with our client we have provided a fee simple value ignoring the existing below market rents in place processing market rent for the 301 un-restricted apartment units and the reported/stipulated rents for the 51 below market rate units. Additionally, we have forecast market expenses and taxes. We have not provided an as is market value for the subject property. Additionally, the hypothetical value assuming market rents with BMR units does not factor in any rent loss between market and below market occupants or any possible re-location fees/expenses necessary to rent units at market levels. The value conclusion also does not factor in any unit renovation cost if deemed necessary after tenants leave or rents are increased. The subject is more fully described, legally and physically, within the enclosed report.

Mr. Michael A. Houlemard, Jr.
February 29, 2012
Page 2

Based on the analysis contained in the following report, the hypothetical market value of the subject is concluded as follows:

VALUE CONCLUSION			
Appraisal Premise	Interest Appraised	Date of Value	Value Conclusion
Hypothetical Market Value	Fee Simple Estate	February 23, 2012	\$60,900,000
Compiled by CBRE			

EXTRAORDINARY ASSUMPTIONS & HYPOTHETICAL CONDITIONS

- According to information provided by our client, the subject has 51 units that are leased as below market rate units (BMR) to residents earning either 50% or 60% of AMI. As we are not auditors of the program, it is an extraordinary assumption of this report that renting the current mix of units at below market rates fulfills the requirements of the existing regulatory agreement. A change to this assumption would affect the assignment results.
- Our valuation requires the hypothetical condition that the subject is leased at market levels for the 301 un-restricted units and at stipulated rents for the 51 BMR units. This is a hypothetical condition as currently rents are 16.3% below market levels. A change to this condition would affect the assignment results.
- The subject has been developed at a density of approximately 3.2 units per acre. Although the density falls within the current zoning requirements, which allows for up to five dwelling units per acre, it is unclear if the layout of the improvements would allow for further density. A survey detailing the use of the site was not provided for our analysis; as such, it is an extraordinary assumption of this report that the subject property does not have any excess or surplus land. A change to this assumption could affect the assignment results.
- As will be discussed in the tax analysis section of our report, conversations with the Monterey County Assessor's Office indicate the subject property is currently exempt from real estate taxes as the subject is currently owned by FORA (Fort Ord Reuse Authority) and publicly owned real property is generally exempt from taxation. However, under certain circumstances, the private possession and use of publicly owned real property may give rise to a taxable property interest. Such interests are called taxable possessory interests. According to information provided by property ownership a possessory interest exists and is assessed at a total amount of \$100,368, currently. The Monterey County Assessor's Office indicated that as a result a tax rate and special assessment amount for the subject property has not been set. We note that if the subject were sold to a typical private investor the property would be assessed and taxed. A representative of the Assessor indicated the tax rate would not likely exceed 1.2%, inclusive of special assessments. Given the lack of current assessments, we have made the extraordinary assumption that total property taxes would equate to 1.2%, which has been processed in our analysis. A change to this assumption would affect the assignment results.

Data, information, and calculations leading to the value conclusion are incorporated in the report following this letter. The report, in its entirety, including all assumptions and limiting conditions, is an integral part of, and inseparable from, this letter.

The following appraisal sets forth the most pertinent data gathered, the techniques employed, and the reasoning leading to the opinion of value. The analyses, opinions and conclusions were developed



Mr. Michael A. Houlemard, Jr.
February 29, 2012
Page 3

based on, and this report has been prepared in conformance with, our interpretation of the guidelines and recommendations set forth in the Uniform Standards of Professional Appraisal Practice (USPAP), the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.

It has been a pleasure to assist you in this assignment. If you have any questions concerning the analysis, or if CBRE, Inc. can be of further service, please contact us.

Respectfully submitted,

CBRE - VALUATION & ADVISORY SERVICES



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CBRE

FORT ORD REUSE AUTHORITY BOARD REPORT**OLD BUSINESS****Subject:** FORA Extension Update – AB 1614**Meeting Date:** April 13, 2012**Agenda Number:** 6d**INFORMATION****RECOMMENDATION(S):**

Receive a report on the progress of Assembly Bill (AB) 1614 (Monning), which would modify the Fort Ord Reuse Authority (FORA) Act sunset date from June 30, 2014 to June 30, 2024.

BACKGROUND:

FORA's enabling legislation set FORA's dissolution at one of the following events: 1) the Board determines that 80 percent of former Fort Ord territory designated for development or reuse in the Base Reuse Plan has been developed or reused in a manner consistent with the plan or 2) June 30, 2014, whichever occurs first.

In creating FORA, the State legislature created the federally required Local Reuse Authority ("LRA") and charged it with addressing the unique and special reuse problems in the Fort Ord area of Monterey County. Given that 80 percent of the territory will not be reused or developed before June 30, 2014, without additional legislation, the dissolution date gives FORA approximately 26 months to complete its mission. This would be difficult given that FORA has numerous ongoing and fixed term obligations/responsibilities either derived from the Authority Act/State law or that have been authorized by the Board to complete remediation or financing demands. Since former Fort Ord reuse is still ongoing and many fixed-term obligations could be completed in the next 10-12 years, extending FORA for a fixed number of years would allow FORA to complete additional base reuse and result in a more orderly dissolution.

DISCUSSION:

At its November 18, 2012 meeting, the FORA Board approved its 2012 Legislative Agenda/Work Plan, which included support for legislation that would extend FORA's sunset date. Assembly Member Bill Monning authored AB 1614 (co-authored by Senators Blakeslee and Cannella and Assembly Member Alejo), which would extend FORA's sunset date by ten years and require the FORA Board to approve and submit a transition plan to the Monterey County Local Agency Formation Commission prior to FORA dissolution.

AB 1614 passed the Assembly Local Government Committee on March 21st, 2012 on a 7-2 vote (see the attached press release, **Attachment A**). It also passed the Assembly Floor on March 29, 2012 on a 55-14 vote. As of this writing, AB 1614 is now being sent to the Senate Rules Committee for committee assignment.

FISCAL IMPACT:

Reviewed by FORA Controller M.F. for 1.B.

Costs related to this item are included in FORA's annual budget.

COORDINATION:

Executive Committee, Administrative Committee, Legislative Committee, and State legislative offices.

Prepared by

Jonathan Garcia
Jonathan Garcia

Approved by

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

Press Release

William W. Monning

Assemblymember, Representing the 27th District

For Immediate Release:
March 21, 2012

Contact: Ryan Guillen
(916) 319-2027

[Return to Agenda](#)

Legislation to Extend FORA Passes the Assembly Local Government Committee

(SACRAMENTO, CA) – Legislation authored by Assemblymember Bill Monning (D-Carmel) to extend the statutory sunset date of the Fort Ord Reuse Authority (FORA) passed out of the Assembly Committee on Local Government today on a 7-2 vote.

Assembly Bill (AB) 1614 is a bipartisan measure, coauthored by Senators Blakeslee and Cannella and Assemblymember Alejo, to maintain the current regional collaboration through FORA and continue the implementation of the recovery and reuse plan for the former military base by extending its sunset date. In addition, AB 1614 requires the FORA board to approve and submit a transition plan to the Monterey County Local Agency Formation Commission prior to the dissolution of FORA.

“While I am very pleased that AB 1614 passed out of committee, this is only the first step in a rigorous process and I look forward to continuing my conversations with all stakeholders as we confirm the need for a regional authority to oversee the ongoing base transition work on the former Fort Ord,” stated Assemblymember Monning. “By not extending FORA’s sunset date, we risk an uncertain future for the Monterey region.”

Should FORA not be extended, its function will be performed by other local agencies that are not equipped to fulfill the ongoing and fixed term obligations on Fort Ord, such as the implementation of the Habitat Conservation Plan, financing of contaminated building deconstruction, and the coordination of planning and construction of the Central Coast Veterans’ Cemetery.

“Efforts to realize the development of a Veterans’ Cemetery at the former Fort Ord have been underway for more than 17 years, and FORA is now a critical component in that effort,” stated Janet Parks, President of the Central Coast Veterans Cemetery Foundation. “If FORA goes away, the hard work by countless local veterans will have been in vain and must start over.”

Assemblymember Monning was first elected to represent the 27th Assembly District in 2008 and re-elected in 2010. The 27th Assembly District includes portions of Monterey, Santa Clara and Santa Cruz Counties. Prior to his election to the Assembly, Assemblymember Monning was a professor at the Monterey College of Law and a Professor of International Negotiation and Conflict Resolution at the Monterey Institute of International Studies.

###

Capitol Office: State Capitol, P.O. Box 942849 • Sacramento, CA 94249-0027 • (916) 319-2027 • Fax: (916) 319-2127

E-Mail: Assemblymember.Monning@assembly.ca.gov

27th Assembly District Web Site: www.assembly.ca.gov/monning

FORT ORD REUSE AUTHORITY BOARD REPORT

NEW BUSINESS

Subject: UCMBEST Request for Resumption of Interim Agricultural Water Use

Meeting Date: April 13, 2012
Agenda Number: 7a

ACTION

RECOMMENDATION(S):

Approve University of California Monterey Bay Education, Science, and Technology Center's (UCMBEST's) request to resume interim agricultural water use of up to 400 Acre-Feet per Year (AFY) as outlined in their request letter (**Attachment A**).

BACKGROUND/DISCUSSION:

The FORA Board previously allowed UCMBEST interim-only use of water to support temporary agricultural activities on their development property within the unincorporated County of Monterey on a portion of the former Fort Ord (East Triangle). This interim use of water was extended when the prior time limit was reached. UCMBEST subsequently halted their agricultural activities and interim water use. UCMBEST would now like to resume their former interim agricultural water use for up to six years, provided that the water is not otherwise needed for its duly approved end use. If UCMBEST and MCWD finalize contractual terms associated with purchase of interim water, FORA will annually review UCMBEST's 400 AFY limit through Marina Coast Water District's (MCWD's) water consumption reporting.

FISCAL IMPACT:

Reviewed by FORA Controller M.F. for I.B.

Because FORA collects an annual franchise payment from MCWD, increases in water usage by MCWD's customers (such as UCMBEST) will result in slightly higher franchise payments. Staff time for this item is included in the approved FY 11-12 budget.

COORDINATION:

UCMBEST Center Staff, Administrative Committee, and Executive Committee.

Prepared by Jonathan Garcia
Jonathan Garcia

Reviewed by Steve Endsley
Steve Endsley

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



MONTEREY BAY EDUCATION, SCIENCE, AND TECHNOLOGY CENTER OF THE UNIVERSITY OF CALIFORNIA, SANTA CRUZ

March 28, 2012

Supervisor Dave Potter, Chair
Fort Ord Reuse Authority
920 2nd Ave., Suite A
Marina, CA 93933

Subject: Resumption of Interim Agricultural Water Use

Dear Supervisor Potter,

Twice in the past, with the support of FORA, the UC MBEST Center has allowed interim agricultural uses on its East Campus, providing jobs and some research opportunities on land otherwise planned for development. We ask that FORA consider giving its support again for such a use. We seek this support because all water that may be extracted from the Salinas Valley aquifer under the terms of the 1993 Annexation Agreement between the Monterey County Water Resources Agency ("MCWRA") and the U.S. Army has been allocated by FORA or has been retained by the US Army. Nevertheless, current water use of approximately 2,226 AFY (MCWD Urban Water Management Plan) is roughly 1/3 of the 6,600 AFY that may be drawn from the aquifer under the Annexation Agreement.

We request that FORA support the use of up to 400 AFY of groundwater for agricultural purposes on the MBEST Center's Blanco Triangle for up to six years, provided that this water is not otherwise needed for development purposes. We will implement this through a lease provision that would require diminution and/or cessation of use of the use of agricultural water should agricultural water use, when coupled with water use on the former Fort Ord, approach or meet the 6,600AFY entitlement under the 1993 Annexation Agreement.

In the past, agricultural operations on the Blanco Triangle were served by an agricultural well. After signs of seawater intrusion were detected, the well was properly destroyed in accordance with MCWRA guidelines. The only remaining feasible water source in the area appears to be wells operated by the Marina Coast Water District. Upon FORA's granting of support for the requested interim water use, we will discuss with the Marina Coast Water District the technical and contractual issues associated with purchase of agricultural water from MCWD.

Sincerely,

A handwritten signature in cursive script that reads "Graham Bice".

Graham Bice, Managing Director
UC MBEST Center

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Outstanding Receivables

Meeting Date: April 13, 2012

Agenda Number: 8a

INFORMATION

RECOMMENDATIONS:

Receive a Fort Ord Reuse Authority (FORA) outstanding receivables update as of March 31, 2012.

BACKGROUND/DISCUSSION:

FORA has several significant outstanding receivables. The Late Fee policy adopted by the FORA Board requires receivables older than 90 days be reported to the Board.

	Item Description	Amount Owed	Amount Paid	Amount Outstanding
1 City of Del Rey Oaks	PLL Loan Payment 09-10	182,874	-	182,874
	PLL Loan Payment 10-11	256,023	-	256,023
	PLL Loan Payment 11-12	256,023	-	256,023
	<i>DRO Total</i>			694,920
2 City of Marina	Tax Increment 08-09	108,862	108,862	-
	Tax Increment 07-08	111,246	55,623	55,623
	Preston Park Excess Revenue	230,000	230,000	-
	<i>Marina Total</i>			55,623
3 City of Seaside	Tax Increment 03-10	358,830	270,000	88,830
Total Outstanding Receivables				\$ 839,373

1. City of Del Rey Oaks (DRO)

- PLL insurance annual payments: In 2009, DRO cancelled agreement with its project developer who previously made the PLL loan payments. The FORA Board approved a payment plan for DRO and the interim use of FORA funds to pay the premium until DRO finds a new developer (who will be required by the City to bring the PLL Insurance coverage current). DRO agreed to make interest payments on the balance owed until this obligation is repaid, and they are current.

Payment status: First Vice Chair Mayor Edelen informed both the Board and Executive Committee that DRO anticipates making a substantial payment against this obligation in this FY.

2. City of Marina (Marina)

- Tax increment: In the fall of 2010, as directed by the FORA Board during the Capital Improvement Program review, FORA conducted an audit of tax increment revenue that FORA collects from Seaside, Marina and County of Monterey. The results indicated that FORA was owed property TI payments from Seaside and Marina. Both cities acknowledged the debt.

Marina retained a portion of FORA's tax increment in FY 07-08 and FY 08-09. At the July 2011 meeting, FORA Board approved an MOA with Marina for a phased (2 payments) repayment of the FY 08-09 tax increment obligation and this underpayment has been paid off in November 2011.

Regarding the FY 07-08 underpayment, after lengthy communications between FORA and Marina, the City Council and the FORA Board approved an MOA for repayment of this obligation. The MOA for a phased repayment (2 payments) was executed in January 2012.

Payment status: Marina paid the first installment on time; the second (last) installment is due June 30, 2012.

3. **City of Seaside (Seaside)**

- Tax increment: Please see paragraph 2 above regarding Seaside tax increment underpayment. At the February 2011 meeting, the FORA Board approved an MOA with Seaside for a phased (4 payments) repayment of this obligation.

Payment status: Seaside paid the first three installments on time. The last installment payment is due June 30, 2012.

FISCAL IMPACT:

FORA must expend resources or borrow funds until these receivables are collected. The majority of FORA revenues come from member/jurisdiction/agencies and developers. FORA's ability to conduct business and finance its capital obligations depends on a timely collection of these revenues.

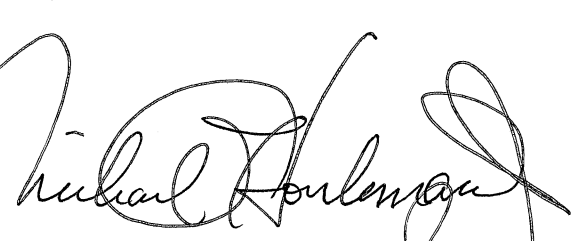
COORDINATION:

Finance Committee, Executive Committee

Prepared by


Ivana Bednarik

Approved by


Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Administrative Committee Report	
Meeting Date: April 13, 2012 Agenda Number: 8b	INFORMATION

RECOMMENDATION:

Receive a report from the Administrative Committee.

BACKGROUND/DISCUSSION:

The approved Administrative Committee minutes from the February 29, 2012 (**Attachment A**) and March 14, 2012 meetings (**Attachment B**) are attached for your review.

FISCAL IMPACT:

Reviewed by the FORA Controller M.F. for I.B.

Staff time for the Administrative Committee is covered in the FY 2011/12 budget.

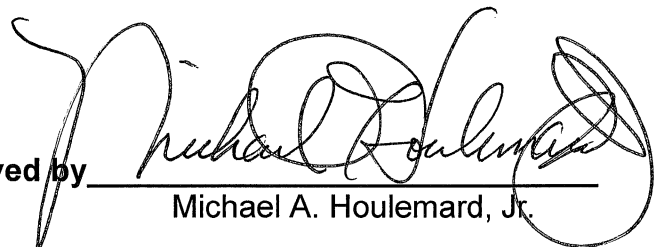
COORDINATION:

Administrative Committee

Prepared by


Lena Spielman

Approved by


Michael A. Houlemard, Jr.



Fort Ord Reuse Authority

920 2nd Avenue, Suite A, Marina, CA 93933
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[Return to Agenda](#)

Attachment A to Item 8b
FORA Board Meeting, 4/13/2012

ADMINISTRATIVE COMMITTEE MEETING 8:15 A.M. WEDNESDAY, FEBRUARY 29, 2012 910 2nd Avenue, Marina CA 93933 (on the former Fort Ord)

MINUTES

1. CALL TO ORDER

Administrative Committee Co-Chair Dan Dawson called the meeting to order at 8:18 a.m. noting a quorum of voting members. The following people, as indicated by signatures on the roll sheet, were present:

Daniel Dawson, City of Del Rey Oaks*
Rob Robinson, BRAC
Pat Ward, Bestor Engineers, Inc.
Elizabeth Caraker, City of Monterey*
Carl Niizawa, MCWD
Bob Rench, CSUMB
Bill Wiseman, RBF Consulting
Nick Nichols, County of Monterey*
Doug Yount, City of Marina*
Bob Schaffer, MCP
Vicki Nakamura, MPC
Tim O'Halloran, City of Seaside
Lisa Brinton, City of Seaside
Beth Palmer, Monterey Downs

Diana Ingersoll, City of Seaside*
Anya Spear, CSUMB
Kathleen Lee, Supervisor Potter Chief of Staff
Debby Platt, City of Marina
Graham Bice, UC-MBEST
Scott Hilk, MCP
Richard James, EMC Planning Group, Inc.

Steve Endsley, FORA
Jim Arnold, FORA
Crissy Maras, FORA
Darren McBain, FORA
Lena Spilman, FORA

*Voting Members

2. PLEDGE OF ALLEGIANCE

Doug Yount led the Pledge of Allegiance

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

None

4. PUBLIC COMMENT PERIOD

None.

5. APPROVAL OF FEBRUARY 15, 2012 MEETING MINUTES

MOTION: Carl Niizawa moved, seconded by Doug Yount, and the motion passed unanimously to approve the minutes as written.

6. MARCH 9, 2012 BOARD MEETING – AGENDA REVIEW

Assistant Executive Officer Steve Endsley provided a review of the March 9, 2012 Board Agenda. He explained the Base Reuse Plan Reassessment process and sought input from the Committee regarding the most effective presentation of the consultant selection materials. Mr. Endsley agreed with various Committee members that a matrix comparison of the two candidates would be a helpful addition to the selection materials.

MOTION: Doug Yount moved, seconded by Elizabeth Caraker, to support the interview panel recommendation and recommend that the Board authorize the Executive Officer to negotiate and enter into a phase I contract with the consulting firm RBF/AECOM to perform the Base Reuse Plan reassessment work, not to exceed \$250,000.

Bill Wiseman (RBF Consulting) stated that, in response to the Board's concerns regarding the importance of hiring locally, they had modified their contract with AECOM. RBF Consulting would now serve as the lead firm and AECOM as a sub-consultant. He asked that all documents presented to the Board reflect the change.

Mr. Endsley stated that staff was not prepared to recommend a firm, but would communicate the Administrative Committee's recommendation to the Board. He emphasized that the Board had been specific regarding their concerns and their requests for additional information prior to making a decision. Bob Schaffer indicated that a staff recommendation would help the Board to move forward. Mr. Endsley reiterated staff's belief that both firms were well qualified and maintained that their first priority was to provide the Board with the information necessary to make a decision.

VOTE: MOTION PASSED

Aye: Diana Ingersoll, Nick Nichols, Elizabeth Caraker, Doug Yount

Noe: None

Abstain: Daniel Dawson

The Committee discussed the advantages and disadvantages of a qualifications based selection process versus a cost based selection process. FORA Senior Project Manager Jim Arnold noted that FORA had always used a qualifications based process, which allowed them the ability to establish and uphold a total project budget. Mr. Niizawa remarked that the Brooks Act required use of a qualifications based selection process.

Mr. Yount suggested that integration of a legal analysis relative to the Base Reuse Reassessment Scope of Work would help to inform the consultant's work moving forward. Mr. Endsley agreed to include a legal analysis of CEQA and other requirements into the scope of services.

Mr. Endsley discussed a resolution in support of a national monument designation for public lands managed by the Bureau of Land Management on the former Fort Ord and a proposed UC MBEST Visioning Stakeholder's Letter of Commitment, both of which would be considered at the next Board meeting.

MOTION: Graham Bice moved, seconded by Doug Yount, and the motion passed unanimously to recommend placement of the UC MBEST request for resumption of interim agricultural water use on the March 9, 2012 Board meeting Agenda.

7. OLD BUSINESS

a. Capital Improvement Program development forecasts

i. Development Forecast Review

There was no discussion on this item.

ii. TIGER Grant

Mr. Arnold discussed the TIGER Grant. Mr. Schaffer urged staff to write a letter of support for the TIGER Grant.

b. Habitat Conservation Plan – Update

FORA Associate Planner Darren McBain discussed the Habitat Conservation Plan timeline.

c. Base Reuse Plan Reassessment – Consultant Selection Update

There was no discussion on this item since it was discussed under Item 6 above..

d. California Redevelopment Wind Down – Update/Discussion

1. RDA Properties/Transfers/Sales

2. Follow-up Regarding Legal Background

Mr. Endsley noted that Staff was currently conducting research regarding Ms. Ingersoll's request at the previous meeting that FORA obtain a legal opinion regarding properties transferred by FORA to jurisdictions, and particularly their RDAs, on the former Fort Ord.

8. ADJOURNMENT

Chair Dawson adjourned the meeting at 9:18 a.m.

Minutes Prepared by Lena Spilman, Deputy Clerk

Approved by:

Michael A. Houlemard, Jr., Executive Officer



Fort Ord Reuse Authority

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Attachment B to Item 8b
FORA Board Meeting, 4/13/2012

ADMINISTRATIVE COMMITTEE MEETING

8:15 A.M. WEDNESDAY, MARCH 14, 2012

910 2nd Avenue, Marina CA 93933 (on the former Fort Ord)

MINUTES

1. CALL TO ORDER

Administrative Committee Co-Chair Michael Houlemard called the meeting to order at 8:20 a.m. noting a quorum of voting members. The following people, as indicated by signatures on the roll sheet, were present:

Diana Ingersoll, City of Seaside* at 8:40 a.m.
Elizabeth Caraker, City of Monterey*
Nick Nichols, County of Monterey*
Beth Palmer, Monterey Downs
Anya Spear, CSUMB
Brian True, MCWD
Carl Niizawa, MCWD
Andy Stenbeng, Schaaf & Wheeler
Kathleen Lee, Supervisor Potter Chief of Staff
Tim O'Halloran, City of Seaside
Lisa Brinton, City of Seaside
Carl Holm, County of Monterey RMA
Vicki Nakamura, MPC
Jim Fletcher, UCP East Garrison
Debby Platt, City of Marina

Graham Bice, UC-MBEST
Greg Nakanishi, CCVC
Bob Schaffer, MCP
Bob Rench, CSUMB
Pat Ward, Bestor Engineers, Inc.

Michael Houlemard, FORA, Co-Chair
Steve Endsley, FORA
Jim Arnold, FORA
Crissy Maras, FORA
Darren McBain, FORA
Jonathan Garcia, FORA
Lena Spilman, FORA

Absent: Daniel Dawson, City of Del Rey Oaks*, Doug Yount, City of Marina*

* Voting Members

2. PLEDGE OF ALLEGIANCE

Graham Bice led the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

None.

4. PUBLIC COMMENT PERIOD

No comments were received.

5. APPROVAL OF FEBRUARY 29, 2012 MEETING MINUTES

MOTION: Graham Bice moved, seconded by Elizabeth Caraker, and the motion passed to approve the minutes as written.

6. FOLLOW-UP FROM 3/9/12 FORA BOARD MEETING

Mr. Houlemard stated that FORA Senior Planner Jonathan Garcia would provide the Base Reuse Plan reassessment update under Agenda Item 7c and that staff had no other items to present.

7. OLD BUSINESS

a. Capital Improvement Program (CIP) Development Forecasts

Mr. Garcia explained that FORA had recently received a development forecast from the City of Seaside, but was still waiting for forecasts from the cities of Marina and Del Rey Oaks. Once all forecasts were received, staff could compile the estimated revenues and begin to prepare the CIP for Board approval. Elizabeth Caraker explained that the CIP development forecast for the City of Monterey was likely to change. Mr. Houlemard added that he did not anticipate any major changes to the development forecast for the UC MBEST Center.

b. Habitat Conservation Plan (HCP) – Update

Mr. Garcia announced that the next draft of the HCP was scheduled for distribution to the various wildlife agencies and permittees on Friday, March 16, 2012. The draft would be posted on the FORA website and a link provided to all Committee Members.

Mr. Houlemard noted that ongoing efforts for a National Landscape Conservation System designation for former Fort Ord habitat lands related to the HCP. The proposed designation was still making its way through the federal process and its progress was being monitored closely by Congressman Farr.

c. Base Reuse Plan (BRP) Reassessment – Consultant Selection Update

Associate Planner Darren McBain stated that the Board had selected EMC Planning to complete the BRP Reassessment. Staff planned to meet with EMC Planning the following week in preparation for the BRP Reassessment consultant kick-off presentation at the April 13, 2012 Board meeting. Debbie Platt asked whether, pursuant to discussion at the February 29, 2012 Administrative Committee meeting, FORA had obtained a legal opinion regarding CEQA and other requirements prior to the development of the BRP Reassessment scope of work. Mr. Houlemard explained that FORA was trying to avoid pre-judging the outcome of the Reassessment and that the applicability of CEQA could not be determined until the Reassessment process had been completed. Staff would provide a legal opinion at the Reassessment Kick-off at the April 13, 2012 Board meeting, staff reports for which would come to the Administrative Committee for review at their April 4, 2012 meeting. Mr. Garcia noted that the legal opinion obtained in 2007/2008 was quite comprehensive and that a review and confirmation of the opinion would likely be all that was required.

d. California Redevelopment Wind Down – Update and Discussion of Assembly Hearing

Mr. Houlemard announced that his attendance at the Joint Assembly Local Government Committee and Housing and Community Development Committee hearing the previous week, where he spoke regarding the effects of the wind-down of redevelopment on military communities. While in Sacramento, he was invited to attend a meeting organized by Assembly Speaker Perez on Monday, March 19, 2012, to discuss the creation of financial mechanisms to help military communities complete their work. He discussed tax increment financing and

stated that he would be happy to present any ideas received from Committee members at the meeting.

e. RDA Property Issues

Mr. Houlemard discussed the impact of redevelopment wind down on property agreements between different agencies. Ms. Ingersoll inquired as to the status of the legal opinion, requested at the February 15, 2012 meeting, regarding properties transferred by FORA to jurisdictions on the former Fort Ord. Mr. Houlemard stated that FORA Counsel Jerry Bowden was reviewing the issue. He agreed to check on the status after the meeting and report back.

8. NEW BUSINESS

a. Proposed Veteran's Cemetery Legislation

Mr. Houlemard announced that the previously scheduled March 20, 2012 hearing regarding AB 1842, had been rescheduled for April 10, 2012. He discussed the proposed legislation, which he explained would allow the state to reimburse for funds advanced during the design process.

b. Consistency Determination: 2010 Monterey County General Plan

Mr. Garcia explained that the County of Monterey had adopted their General Plan in 2010. Staff did not anticipate any action on the item until April, but had provided it now for purposes of advance review. He discussed the procedure for consistency determination.

Carl Holm, Interim Deputy Director of County of Monterey Resource Management Agency, stated that the County's adoption of the General Plan had included a determination of consistency with the Ford Ord Reuse Authority's Base Reuse Plan. Mr. Houlemard noted that the role of the Administrative Committee was to determine concurrence with the County's consistency determination.

9. ADJOURNMENT

Chair Dawson adjourned the meeting at 9:07 a.m.

Minutes Prepared by Lena Spilman, Deputy Clerk

Approved by:

Michael A. Houlemard, Jr., Executive Officer

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Finance Committee

Meeting Date: April 13, 2012

Agenda Number: 8c

INFORMATION

RECOMMENDATION(S):

Receive a report from the Finance Committee (FC) meeting.

BACKGROUND/DISCUSSION:

The FC met on March 28, 2012 to discuss the preliminary FY 12-13 budget and on line banking service adjustments. FC members reviewed the budget format and preliminary revenue/expenditure projections for the upcoming FY. The next FC meeting was scheduled for April 25, 2012 to further review FY 12-13 budget projections. The draft FC minutes will be presented to the Board in May 2012.

FISCAL IMPACT:

Reviewed by FORA Controller 

Staff time for this item is included in the approved FY 11-12 budget.

COORDINATION:

Finance Committee

Prepared by 

Marcela Fridrich

Approved by 

Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Legislative Committee Report

Meeting Date: April 13, 2012

Agenda Number: 8d

INFORMATION

RECOMMENDATION:

Receive a report from the Legislative Committee.

BACKGROUND/DISCUSSION:

The Legislative Committee met on March 19, 2012, at which time they approved the attached October 31, 2011 minutes (**Attachment A**). For your information, a copy of the unapproved draft March 19, 2012 Legislative Committee minutes have also been attached (**Attachment B**). The March 19, 2012 minutes will be presented at the next Legislative Committee meeting for approval.

FISCAL IMPACT:

Reviewed by the FORA Controller *M.F. for I.B.*

Staff time for the Legislative Committee is covered in the FY 2011/12 budget.

COORDINATION:

Legislative Committee

Prepared by

Lena Spilman
Lena Spilman

Approved by

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



Fort Ord Reuse Authority

920 2nd Ave., Ste. A * Marina, CA 93933
Phone: (831) 883-3672 • Fax: (831) 883-3675 • www.fora.org

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LEGISLATIVE COMMITTEE MEETING Monday, October 31, 2011 - 1:00 p.m. FORA Conference Room

Attachment A to Item 8d
FORA Board Meeting, 4/13/2012

Minutes

1. CALL TO ORDER AND ROLL CALL

Chair Potter called the meeting to order at 1:00 p.m. The following members, and others, were present:

Members present: Mayor Edelen, Mayor Pendergrass, Mayor Bachofner, Mayor-ProTem O'Connell, and Michael Houlemard, Executive Officer.

FORA Staff: Daylene Alliman, Deputy Clerk; Steve Endsley, Assistant Executive Officer.

Others present: Hans Poschman, 15th State Senate District; Justin Wellner, CSUMB; Nicole Charles, 27th State Assembly; Alec Arago, 17th Congressional District; Nick Chiulos, County of Monterey (by phone); Doug Yount, City of Marina; Bob Schaffer.

Absent: John Arriaga, JEA & Associates

2. PUBLIC COMMENT – none

3. APPROVAL OF THE OCTOBER 3, 2011 MEETING MINUTES - Motion to approve made by Mayor Edelen seconded by Mayor ProTem O'Connell and carried.

4. REPORTS FROM THE LEGISLATIVE OFFICES

a. **17th U.S. Congressional District** – Alec Arago reported that Congressman Farr continues to pursue the Department of Interior regarding area design for BLM (Bureau of Land Management) lands. He said that redevelopment and reuse helps reassure Fish & Wildlife for BLM and HCP (Habitat Conservation Plan). Mr. Arago confirmed that there is good consensus between the environmental groups. He noted that there are ongoing BRAC issues and there is a potential for the Army to relocate their civil affairs school house from Fort Bragg to somewhere else and that Monterey is a contender for that location. He said it could bring 400 instructors, civilians and 1200 students per year among 100 others, and that tactical training would be conducted at Hunter Liggett. Fort Ord could be an option for a site for the intellectual training. Mr. Arago reported that the VA (Veterans Administration) clinic is moving forward in solidifying a location and that the focus right now is to keep the clinic in the proposal. He also noted that Congressman Farr is working with NPS (Naval Post Graduate School) as there is an interest in developing a private sector building to house research, may partner with UCMBEST.

b. **15th State Senate District** – Hans Poschman reported that the legislature is on break however the Senator is at the capital. Their office continues to wait on budget results and revenue is below estimates. He said that redevelopment in the courts and the first hearing will be held this week.

c. **27th State Assembly** – Nicole Charles reported that the Assembly is in recess. Assemblymember Monning is currently in Sacramento working on extension of FORA and meeting with community members who have input. She said that the environmental stakeholder meetings here at FORA are working out very well, however further noting that stakeholders are concerned about what would happen if FORA was not extended.

5. OLD BUSINESS

a. **Report from JEA & Associates** — Absent, no report.

b. **FORA Extension Schedule update** – Mr. Houlemard, discussed the change on the legislative schedule to November/December timeframe as Assemblymember Monning wanted to move it from the initial October timeframe. He reported that community meetings are ongoing and a December meeting in Sacramento was possible.

c. **FORA 2012 draft Legislative Agenda/Work Program** – Mr. Houlemard reported on the Preliminary Draft noting the language change under item #8 acknowledging comments received that FORA's focus/work is the "reuse/replacement" not "redevelopment." Chair Potter asked Executive Officer Houlemard to go through each of the work program items for review with the members. Mr. Houlemard summarized the draft items. During the item-by-item review there were; 1) comments on changing terminology on the Veterans Cemetery item and 2) a reminder on Item d. that FORA's policy/history is not to compete for funds where other jurisdictions are competing for funds. Chair Potter asked for motion. **Mayor Bachofner moved to approve, with the adjustments, seconded by Mayor Edelen to recommend Board approval, motion carried.**

d. **Approve Meeting Dates for 2012** – Motion to adopt the 2012 meeting dates was made by Mayor Edelen, seconded by Mayor Bachofner and carried.

6. **NEW BUSINESS** – none

7. **ANNOUNCEMENTS/CORRESPONDENCE** – none

8. **ADJOURNMENT** – There being no further business, Chair Potter adjourned the meeting at 1:35 p.m.

Minutes taken and prepared by Daylene Alliman, Deputy Clerk

Approved by:

Michael A. Houlemard, Jr.

APPROVED



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LEGISLATIVE COMMITTEE MEETING

Monday, March 19, 2012 – 3:00 p.m.
FORA Conference Room

Attachment B to Item 8d
FORA Board Meeting, 4/13/2012

DRAFT Minutes

1. CALL TO ORDER

Mayor Edelen called the meeting to order at 3:05 p.m., noting a quorum present.

ROLL CALL

The following members, and others, were present:

Members Present:

Supervisor Potter, County of Monterey 3:10 p.m.
Mayor Edelen, City of Del Rey Oaks
Mayor Pendergrass, City of Sand City
Mayor Bachofner, City of Seaside
Mayor-ProTem O'Connell, City of Marina

FORA Staff:

Michael Houlemard (via phone)
Steve Endsley
Robert Norris,
Lena Spilman

Others Present:

John Arriaga, JEA & Associates (via phone)
Cristal Clark, 15th State Senate District
Justin Wellner, CSUMB
Nicole Charles, 27th State Assembly District
Rochelle Dornatt (via phone), 17th
Congressional District
Nick Chiulos, County of Monterey
Christina Watson, TAMC

2. PUBLIC COMMENT

No comments were received.

3. APPROVAL OF THE OCTOBER 31, 2011 MEETING MINUTES

Mayor Pendergrass move, seconded by Mayor Pro-Tem O'Connell, and the motion passed unanimously to approve the minutes as written.

4. REPORTS FROM THE LEGISLATIVE OFFICES

a. 17th U.S. Congressional District

Rochelle Dornatt provided a report regarding the status of the proposed Veteran's Cemetery and Clinic and Base Realignment and Closure (BRAC).

b. 15th State Senate District

Cristal Clark provided a State Budget update and a brief description of bills introduced by Senator Blakeslee's for the 2012 State Legislative Session.

c. 27th State Assembly

Nicole Charles provided a brief overview of the bills introduced by Assemblymember Monning for the 2012 State Legislative Session, focusing primarily on AB 1614 and AB 1842, relating to a Veteran's Cemetery on the former Fort Ord and the extension of FORA. She noted that Assemblymember Monning had added an amendment to AB 1614, providing for the creation of a FORA dissolution plan. She announced that the Committee on Local Government would hear AB 1614 on March 21, 2012.

5. OLD BUSINESS

a. Report from JEA & Associates

- i. Bureau of Land Management**
- ii. Veteran's Cemetery – AB 1842**
- iii. FORA Extension – AB 1614**

John Arriaga stated that items i-iii had already been discussed and that he had no further comments regarding those items.

iv. Military Base Reuse Recovery Zones

Michael Houlemard announced that he had attended a meeting that day organized by Assembly Speaker Pérez, in which members of the California Military Base Reuse Coalition and state legislators participated in a discussion regarding redevelopment wind down alternatives for military communities. He reported a positive reception from Assembly leadership.

b. Report from JEA and Associates

i. State Budget

Mr. Arriaga stated the item had been previously addressed by Ms. Clark, and that most were waiting on the release of the May Budget revision.

ii. Review of Other Proposed Legislation Affecting FORA

Mr. Houlemard briefly reviewed the bills included in the JEA & Associates Bill Track document provided in the agenda packet. He noted that JEA & Associates had classified SB 1335 as a bill for which FORA should "consider support." The committee unanimously concurred with the classification.

iii. Recommendations Regarding Legislative Support

Mr. Arriaga stated that the Bill Track document detailed their proposed program for the year.

6. NEW BUSINESS

a. FY 2012 FORA Legislative Session – May 11, 2012 or June 8, 2012

Mr. Houlemard announced that FORA's Annual Legislative Session was tentatively scheduled for either May 11, 2012 or June 8, 2012. He stated that Deputy Clerk Lena Spilman would coordinate with legislative staff to determine availability.

b. April 15-18, 2012 Federal Legislative Mission: meetings and issues

Mr. Houlemard stated that FORA's 2012 Annual Legislative Mission would focus on several key issues, including the ongoing effort for a National Landscape Conservation System designation for former Fort Ord habitat lands, support for the Habitat Conservation Plan, and coordination with the Transportation Agency of Monterey County regarding their recent Transportation Investment Generating Economic Recovery (TIGER) Grant application with the U.S. Department of Transportation.

7. ANNOUNCEMENTS/CORRESPONDENCE

None

8. ADJOURNMENT

Chair Potter adjourned the meeting at 3:36 p.m.

Minutes taken and prepared by Lena Spilman, Deputy Clerk

Approved by:

Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject: Water/Wastewater Oversight Committee Report

Meeting Date: April 13, 2012

Agenda Number: 8e

INFORMATION

RECOMMENDATION:

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

BACKGROUND/DISCUSSION:

The WWOC met on March 14, 2012. The draft minutes are attached for your review.

FISCAL IMPACT:


Reviewed by the FORA Controller M.F. for I.B.

Staff time for this item is included in the approved FY 11-12 budget.

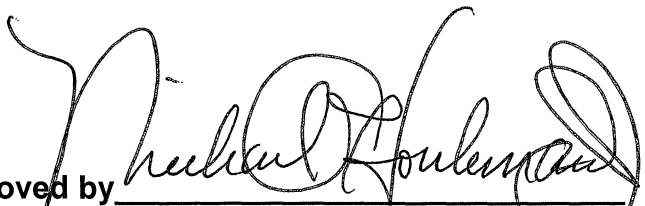
COORDINATION:

WWOC

Prepared by


Crissy Maras

Approved by


Michael A. Houlemard, Jr.



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Attachment to Item 8e
April 13, 2012 FORA Board Meeting

WATER/WASTEWATER OVERSIGHT COMMITTEE MEETING

9:15 AM WEDNESDAY, MARCH 14, 2012

910 2nd Avenue, Marina CA 93933 (Carpenter's Union Hall)

MINUTES

1. CALL TO ORDER AT 9:15 AM (or following Administrative Committee meeting)

Confirming a quorum, Fort Ord Reuse Authority (FORA) Assistant Executive Officer Steve Endsley called the meeting to order at 9:22 AM. The following people, indicated by signatures on the roll sheet, attended:

Committee Members

Rick Reidl, City of Seaside

Mike Lerch, CSUMB

Graham Bice, UCMBEST

Debby Platt, City of Marina

Elizabeth Caraker, City of Monterey

Carl Holm, Monterey Co.

Steve Endsley, FORA

Jonathan Garcia, FORA

Darren McBane, FORA

Jim Arnold, FORA

Crissy Maras, FORA

Carl Niizawa, MCWD

Kelly Cadiente, MCWD

Brian True, MCWD

Kathleen Lee, Monterey Co.

Bob Schaffer, MCP

Andy Sterbenz, Schaaf & Wheeler

Beth Palmer, Monterey Downs

Chuck Lande, Marina Heights

2. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE – none

3. PUBLIC COMMENT PERIOD – none

4. APPROVAL OF MEETING MINUTES – January 18, 2012

The minutes of the January 18, 2012 were approved by consensus.

5. OLD BUSINESS

a. Ongoing discussion topics

i. Recycled water backbone infrastructure

Marina Coast Water District (MCWD) District Engineer Carl Niizawa reported that MCWD is actively engaged in securing final easements needed for the recycled water pipeline alignment. Two outstanding easements remain: California State University Monterey Bay and US Army. Environmental documents for this project are complete and at this point, MCWD requires customer commitments to purchase the water. MCWD meets current demand with potable water until increased demand justifies building this \$30M project. As development moves forward and there is a demonstrable need for recycled water, MCWD will begin the process of securing bonds to finance construction.

ii. Monterey Regional Water Supply Program

Although MCWD cannot provide an update on the status of the regional project, Mr. Niizawa stated that MCWD is moving the recycled portion of their project forward under the terms of a valid contract. Supervisor Potter's representative Kathleen Lee informed the Committee that a public meeting on this subject was scheduled for later this evening (from 5:00 to 8:00 PM) at the Oldemeyer Center in the City of Seaside. She noted that stakeholder representatives will be present and available to answer questions. Mr. Endsley stated that FORA could only participate, i.e. fund, an augmenting water project that provides 2,400 af/yr to the former Fort Ord.

iii. Marina Coast Water District annexation of Ord Community service area

MCWD has prepared an environmental document to annex their current service area. They are in the process of responding to comments prior to beginning the LAFCO process of annexation. Mr. Niizawa stated that upon annexation, the Ord Community will have representation on the MCWD Board and the FORA Board will no longer be required to approve the Ord Community budget. Mr. Endsley responded that FORA staff would research that claim and report back to the Committee.

6. NEW BUSINESS

a. Draft FY 2012/13 Ord Community Water and Wastewater budgets and rates

When the joint FORA and MCWD Boards reviewed last year's FY 2011/12 budget, they raised several concerns about the history and background of the proposed rate increase and the way the information was presented for their review. The FORA Board did not approve the budget at the first review and a second vote was required. The Board directed FORA and MCWD staff to refine the presentation and address their concerns when the budget would be presented again in FY 2012/13. Noting this history, Mr. Endsley requested the WWOC review the budget with heightened scrutiny in an effort to respond to the Board's direction.

MCWD staff distributed the draft budget, which the MCWD Board had just received at their meeting of March 13th. The MCWD Board will further review the budget in detail during an upcoming budget workshop. MCWD staff noted that the workshop would result in revisions to the current draft and requested that Committee Members keep this in mind during their review. After the MCWD Board workshop, a revised/updated/refined budget will return to the WWOC for further review and recommendation to the FORA Board.

It was noted that 1) capacity fees / hook-up charges *are not proposed* to change, 2) a 5% rate increase is proposed in this budget, the fifth of five increases recommended by a five year rate study; the rate study actually recommended 7.8% increases every year for five years, but MCWD diligently looked for cost savings to reduce the overall burden to their customers, 3) A new rate study will be undertaken in 2012/13, and 4) Fort Ord rate payers do not subsidize the overhead costs for the regional project.

7. ADJOURNMENT

The meeting was adjourned at 10:37 AM.

8. NEXT SCHEDULED MEETING: April 4 or April 18, 2012

The next meeting was scheduled for **April 18th**, following the Administrative Committee meeting that day.

Minutes prepared by Crissy Maras, Grants and Contracts Coordinator

FORT ORD REUSE AUTHORITY BOARD REPORT**EXECUTIVE OFFICER'S REPORT**

Subject:	Habitat Conservation Plan	
Meeting Date:	April 13, 2012	INFORMATION
Agenda Number:	8f	

RECOMMENDATION(S):

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

BACKGROUND/DISCUSSION:

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 basewide HCP and 2081 permit in 2013, concluding with US Fish and Wildlife Service ("USFWS") and California Department of Fish and Game ("CDFG") issuing federal and state permits.

ICF completed an administrative draft HCP on December 4, 2009. FORA member jurisdictions completed a comment and review period, which ended February 26, 2010. In April 2011, USFWS finished their comments on all draft HCP sections, while CDFG provided limited feedback. These comments by the regulatory agencies required a substantial reorganization of the document. To address this, ICF completed a 3rd Administrative Draft HCP for review (dated September 1, 2011). The 12 Permittees (County, Cities of Marina, Seaside, Del Rey Oaks, and Monterey, Monterey Peninsula Regional Park District, Marina Coast Water District, State Parks, Monterey Peninsula College, California State University Monterey Bay, University of California Monterey Bay Education, Science, and Technology Center, and FORA) and Cooperating Entity (Bureau of Land Management) reviewed this draft document and submitted their comments in October 2011. That review included the draft HCP Implementing Agreement and Ordinance/Policy, which are appendices to the draft HCP and are being prepared separately by FORA. ICF addressed the comments received and submitted the draft document to USFWS/CDFG the week of March 19, 2012. It is estimated that it will take the wildlife agencies 90 days to complete their internal review followed by 60 days for ICF to prepare a Screen Check draft that will undergo a 30-day review for legal compliance by the wildlife agencies' solicitors/legal departments. ICF would then respond to any comments/issues raised in 30 days. FORA staff expects a Public Draft document will be available for public review by October 2012.

At the September 7, 2011 FORA Administrative Committee meeting, Jamie Gomes, Principal, from EPS presented information related to Economic and Planning Systems' ("EPS") review of HCP costs and endowment investment strategy. EPS provided an HCP endowment investment strategy that was incorporated into the draft HCP. Final approval of the endowment strategy rests with CDFG/USFWS.

FISCAL IMPACT:

Reviewed by FORA Controller M. F. for I.B.

ICF and Denise Duffy and Associates' (FORA's/USFWS's NEPA/CEQA consultant) contracts have been funded through FORA's annual budgets to accomplish HCP preparation. Staff time for this item is included in the approved FY 11-12 budget.

COORDINATION:

Executive Committee, Administrative Committee, Legislative Committee, HCP working group, FORA Jurisdictions, USFWS and CDFG personnel, ICF, Denise Duffy and Associates, and Bureau of Land Management.

Prepared by Jonathan Garcia
Jonathan Garcia

Reviewed by Steve Endsley
Steve Endsley

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

FORT ORD REUSE AUTHORITY BOARD REPORT**EXECUTIVE OFFICER'S REPORT****Subject:** Executive Officer's Travel**Meeting Date:** April 13, 2012**Agenda Number:** 8g**INFORMATION****RECOMMENDATION:**

Receive an informational travel report from the Executive Officer.

BACKGROUND/DISCUSSION:

The Executive Officer regularly submits reports to the Board of Directors providing details of travel on behalf of FORA programs, including those by the Fort Ord Reuse Authority ("FORA") staff and Board members. Travel expenses may be paid or reimbursed by FORA, outside agencies/ jurisdictions/ organizations, or a combination of these sources. The Executive Committee reviews and approves these requests, and the travel information is reported to the Board as an informational item.

Destination: Sacramento**Date: March 6 & 7, 2012****Traveler/s: Michael Houlemard, Robert Norris**

Purpose: To participate in a panel of local reuse authority executives from around the State of California regarding the creation of military base recovery zones under CA Law to address the financing and real property management issues that have surfaced in the wake of the wind down of redevelopment programs. The panel met with several members of the State Assembly and the plea for assistance was received positively. There will likely be follow up in coming weeks. Mr. Houlemard also met with John Arriaga and representatives from the California Departments of Veteran's Affairs. Mr. Houlemard will be accompanied by FORA Principal Analyst Robert Norris.

Destination: San Luis Obispo**Date: March 15 & 16, 2012****Traveler/s: Stan Cook**

Purpose: To attend/participate in a Fort Ord Base Cleanup Team meeting/retreat. This is annual Army organized team building meeting; Mr. Cook represented the FORA Environmental Services Cooperative Agreement program.

Destination: Sacramento**Date: March 20 & 21, 2012****Traveler/s: Dave Potter, Michael Houlemard, Robert Norris**

Purpose: To attend an Assembly Local Government Committee hearing on AB1614, the FORA Extension bill, currently under consideration. The ALGC passed the bill on to the Assembly floor for consideration.

Destination: Portland, OR

Date: April 3-5, 2012

Traveler/s: Jim Arnold, Crissy Maras

Purpose: Attend the US Department of Commerce Economic Development Administration ("EDA") Annual Conference and learn of potential funding opportunities with the EDA.

Destination: Sacramento, CA

Date: April 11, 2012

Traveler/s: Michael Houlemard, Steve Endsley

Purpose: To attend a developer stakeholders meeting organized by Assemblymembers Monning and Alejo to discuss their opposition to the extension of FORA.

UPCOMING TRAVEL

Destination: Sacramento, CA

Date: April 24, 2012

Traveler/s: Michael Houlemard, Robert Norris

Purpose: To attend the Assembly Veterans Affairs Committee Hearing regarding AB 1842.

Destination: Washington, DC

Date: April 16-18, 2012

Traveler/s: Michael Houlemard, Dave Potter, Robert Norris

Purpose: To travel for a series of meetings regarding items from the FORA Legislative Agenda. Meetings will be held with U.S. Congressman Sam Farr as well as representatives from the Office of Economic Adjustment, US Environmental Protection Agency, US Fish & Wildlife Service, Bureau of Land Management, the US Department of the Interior, the U.S. Army, the Association of Defense Communities (ADC) and others. This trip is being planned in coordination with the Transportation Agency for Monterey County, allowing for cost sharing.

Destination: Washington, DC

Date: May 13-16, 2012

Traveler/s: Michael Houlemard

Purpose: To attend the 2012 ADC Strategic Planning Meeting and Retreat. The ADC will reimburse for travel expenses.

FISCAL IMPACT:

Reviewed by FORA Controller M. F. for I.B.

Travel costs and incidentals are covered according to FORA's travel policy and are included in the FY 11-12 budget authorization.

COORDINATION:

Executive Committee

Prepared by: Lena Spilman
Lena Spilman

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