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, October 12, 2012 at 3:00 p.m.
910 2nd Avenue, Marina, CA 93933 (Carpenter's Union Hall)

REVISED AGENDA

1. **CALL TO ORDER AND ROLL CALL** (Carpenters Union Hall)

2. **CLOSED SESSION** (FORA Conference Room)

   Public Comment – Closed Session Items

   a. Conference with Legal Counsel - Existing Litigation, Gov Code 54956.9(a) – Four 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
      iii. Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Number: M119217
      iv. The City of Marina v. Fort Ord Reuse Authority, Case Number: M118566
   b. Conference with Legal Counsel – Anticipated Litigation, Gov Code 54956.9(b) – One Case

3. **ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION** (Carpenters Union Hall)
   Open session will begin at 4:00 p.m. or immediately following closed session.

4. **PLEDGE OF ALLEGIANCE**

5. **ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE**
   a. Legislative Report - Assemblymember Bill Monning — INFORMATION
   b. September 20, 2012 Letter to Marina Coast Water District Regarding Budget Reductions — INFORMATION
   c. July 13, 2012 Letter from United Veteran's Council Requesting Representation on the FORA Board — INFORMATION

6. **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 under Board consideration of that item.

7. **CONSENT AGENDA**
   a. Approval of Board Meeting Minutes — ACTION
      i. August 29, 2012 FORA Board Meeting
      ii. September 14, 2012 FORA Board Meeting
   b. Payment of Utilities Costs for General Jim Moore Boulevard — ACTION

8. **OLD BUSINESS**
   a. Preston Park Fiscal Year ("FY") 2012/13 Budget — ACTION
   b. Base Reuse Plan Reassessment:

i. Overview and Update on Reassessment Process INFORMATION
ii. Receipt of Final Scoping Report ACTION

c. Veterans Cemetery Parcel Land Use Designations *(2nd Vote)* INFORMATION/ACTION

d. Request from Mayor Bachofner for Reconsideration of Item 8a on the August 29, 2012 FORA Board Agenda ACTION

Item 8a: Capital Improvement Program Review – Phase II Study (2nd Vote and Update)

i. Adopt Resolution to Implement a Formulaic Approach to the FORA Development Fee Schedule and Communities Facilities District Special Tax Rates

ii. Approve Amendment #1 to the FORA-Jurisdictions Implementation Agreements to Implement a Formulaic Approach

9. EXECUTIVE OFFICER'S REPORT

a. Outstanding Receivables INFORMATION
b. Administrative Committee INFORMATION
c. Public Correspondence to the Board INFORMATION

10. ITEMS FROM MEMBERS

11. ADJOURNMENT

NEXT REGULAR MEETING: NOVEMBER 16, 2012

*Information about items on this agenda or persons requesting disability related modifications and/or accommodations can contact the Deputy Clerk at: 831-883-3672 * 920 2nd Avenue, Ste. A, Marina, CA 93933 a minimum of 24 hours prior to the meeting.*

This meeting is being recorded by Access Monterey Peninsula (AMP) and will be televised Sundays at 9:00 a.m. on Marina/Peninsula Chanel 25 and Mondays at 1:00 p.m. on Monterey Channel 25. The video and full Agenda packet are available on FORA's website at www.fora.org.

RETURN TO AGENDA

FORT ORD REUSE AUTHORITY

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

ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

Item 5a

October 3, 2012

Assembly Member Bill Monning
27th State Assembly District
99 Pacific St. Ste. 555D
Monterey, CA 93940

RE: AB 1614/AB 1842 Signed into Law – Fort Ord Reuse Authority Extension/Cemetery Funding

Dear Assembly Member Monning,

Please accept my sincerest appreciation, on behalf of all of the Fort Ord Reuse Authority (FORA) Board and staff, for your sponsorship of Assembly Bills 1614 and 1847.

Over the last nine months, the FORA Board has been tackling major issues, including how to implement the benefits of the newly designated Fort Ord National Monument, how to move forward with the recovery program, confirming the direction of the Base Reuse Plan, updating records management and audit oversight, executing the contractual obligations to finish the explosives removal on recovery properties and completing important infrastructure projects – all in support of the recovery mission. The extension of FORA offers crucial time to sustain ongoing efforts and to make adjustments to meet these challenges as there remains work yet to be done to ensure economic recovery from the closure through reuse of the former Fort Ord.

Your ongoing leadership is sorely needed for the great work we have ahead to realize the potential for the Fort Ord closure recovery – headlined by advancing jobs, housing, educational uses, and actualizing the Fort Ord National Monument. I hope your support for this crucial regional mission will be sustained in the coming years as we move toward realizing the recovery promises made to the Monterey Bay Region in the 1990s. I look forward to our continuing work toward these goals.

Sincerely,

Dave Potter

Dave Potter
FORA Board Chair

Similar letters were sent to all those who submitted letters of support for AB 1614 / AB 1842

Press Release
William W. Monning

For Immediate Release:
September 29, 2012

Contact: Ryan Guillen
(916) 319-2027
Cell:(707) 280-6967

Governor Signs FORA Extension

(SACRAMENTO, CA) – Today, the Fort Ord Reuse Authority (FORA) sunset extension legislation authored by Assemblymember Bill Monning (D-Carmel), and co-authored by Senators Blakeslee and Cannella and Assemblymember Alejo, was signed into law by Governor Brown.

Assembly Bill (AB) 1614 extends the statutory sunset date of FORA by six years from June 30, 2014 to June 30, 2020, and requires the FORA board to approve and submit a transition plan prior to its dissolution to the Monterey County Local Agency Formation Commission.

"Governor Brown's approval of AB 1614 means that the economic recovery and reuse on the former Fort Ord military base can continue," stated Assemblymember Monning. "I will continue to engage with FORA and all stakeholders during its remaining years to ensure that both the economic and environmental goals of the area are achieved."

Outside the reassessment of FORA's base reuse plan and local planning, there are a number of ongoing and fixed term obligations on the former US Army base, such as the implementation of the Habitat Conservation Plan, the financing of contaminated building deconstruction, and the coordination of the planning and construction of the Central Coast Veterans' Cemetery, that other local agencies would need to perform but that are not equipped to implement. AB 1614 benefited from the support of Monterey County, its regional cities, the Ventana Chapter of the Sierra Club, and veterans' organizations.

"FORA needs additional years to ensure enforcement of the base reuse plan that was adopted in 1997 as a regional effort to transform the former Fort Ord into an economically thriving and environmentally protected area," stated Jane Haines, who testified in support of AB 1614 on behalf of the Sierra Club, Ventana Chapter. "Sierra Club has worked proactively with FORA, and we conclude that our goals would be best attained through FORA."

# # #

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.

FORT ORD REUSE AUTHORITY
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RETURN TO AGENDA

Jim Heitzman, General Manager
Marina Coast Water District
11 Reservation Road
Marina, CA 93933

RE: FY 2012/13 Ord Community Budgets and Rates

Dear Mr. Heitzman,

At the September 14th Fort Ord Reuse Authority (FORA) Board of Directors meeting, the Board voted to approve the Marina Coast Water District (MCWD) FY 2012/13 Ord Community Budgets and Rates, but eliminated the 5% rate increase. The Board suggested the 5% could be recovered through cost saving measures and/or through the use of operating reserves (see attached motion).

This action is the culmination of previous FORA Board meetings wherein Board Members raised several concerns, including Ord Community annexation and customer voting rights, future expenditures on the regional desalination plant and water augmentation program, the effect on ratepayers of past and current rate increases, smoothing debt service for capital improvement projects prior to actual development to protect existing ratepayers, MCWD staffing expenses, low income rate options, and the number of votes required to vote down a Proposition 218 noticed rate increase. Excerpts from the meeting minutes from July 13th, July 26th, and August 10th are attached.

FORA staff is prepared to work with MCWD staff to identify possible budget reductions. Additionally, a Water/ Wastewater Oversight Committee meeting can be scheduled for this purpose as well. If MCWD staff has any alternative ideas toward resolution, FORA staff is ready and willing to assist.

Please let us know how you would like to proceed. We appreciate your continued efforts and look forward to a mutually agreeable conclusion.

Sincerely,

D. Steven Endsley

D. Steven Endsley
Assistant Executive Officer

C: Dave Potter, FORA Board Chair
Carl Niizawa, MCWD District Engineer
Michael A. Houlemard, Jr., FORA Executive Officer

September 14, 2012 Board Meeting

7a. ORD COMMUNITY WATER AND WASTEWATER RATES, FEES AND CHARGES AND RESOLUTION OF OUTSTANDING ISSUES

Motion: Supervisor Parker moved, seconded by Mayor Edelen, and the motion passed unanimously to approve Resolutions 12-6 and 12-7, adopting a compensation plan and setting rates, fees and charges for former Fort Ord base-wide water and sewer services, with the following modifications:

1. Acceptance of previous amendments to remove all references to the Regional Water Project and eliminate the 2% allocation for potential wage increases following a compensation study.
2. Elimination of the proposed 5% rate increase, to be recovered through cost saving measures and/or use of operating reserves, as per Board discussion.

Paula Pelot discussed the current calculations, as well as the corrections made from the June 8, 2012 documents.

Denise Turley inquired as to the existence of a FORA anti-bullying policy, opposed cost of living increases for FORA staff, and discussed grievances against Alliance.

Ms. Stone discussed the need to keep Preston Park affordable for low income families.

A member of the public stated FORA should deed Preston Park to the City of Marina.

MOTION: Mayor Edelen moved, seconded by Councilmember Oglesby, and the motion passed unanimously to approve the Preston Park Operating budget, deferring approval of the Capital Expenditure Budget and any action on a rental increase until all issues were resolved.

b. FORA FY 2012-13 Preliminary Budget – 2nd Vote

Mr. Endsley presented the item, explaining that the current meeting was not being televised due to the fact that the FY 2012-13 Budget, which would provide authority for such expenditures, had not yet been approved.

Supervisor Parker asked whether, given the pending lawsuit from the City of Marina, staff planned to develop an alternative budget, which did not include revenue from the sale of Preston Park. Mr. Endsley replied that if the sale were delayed, staff would likely present an adjustment in the mid-year budget.

MOTION: Mayor Edelen moved, seconded by Mayor Pendergrass, to approve the Fiscal Year 2012/13 budget with a 2% cost-of-living salary increase.

Mayor Bachofner spoke in opposition to a 2% cost-of-living increase for FORA staff.

VOTE: Ayes: Mayor Edelen, Mayor Pendergrass, Chair Potter, Nick Chiulos. Noes: Councilmember Beach, Mayor Pro-Tem O'Connell, Councilmember Brown, Councilmember Selfridge, Supervisor Parker, Mayor Kampe, Mayor Donahue, Mayor Bachofner, Councilmember Oglesby.

MOTION: Mayor Bachofner moved, seconded by Mayor Donahue, and the motion passed unanimously to approve the Fiscal Year 2012/13 budget with no cost-of-living salary increase.

c. Ord Community Water and Wastewater Systems Proposed Budgets and Rates for FY 2012/13

i. Presentation by FORA

Mr. Garoia presented a history of the Ord Community water and wastewater rates and rate increases, and he discussed the procedure for FORA review and approval of Marina Coast Water District (MCWD) budget.

ii. Presentation by Marina Coast Water District

Kelly Cadiente, MCWD, provided an overview of the proposed Ord Community Water and Wastewater Budget and Carl Niizawa, MCWD Deputy General Manager/District Engineer, discussed the CIP Planning Budget.

iii. Resolution Nos. 12-6 and 12-7 Adopting a Compensation Plan and Setting Rates, Fees and Charges for Base-wide Water and Sewer Services on the former Fort Ord

MCWD Staff responded to the Board's inquiries regarding MCWD plans for annexation of areas on the former Fort Ord, the process for including rate payers in the FORA Water and Wastewater Oversight Committee (WWOC) review of the Ord Water and Wastewater budgets, past rate increases, current budget calculations, and the nature of $7.6 million listed as a loan to the Regional Project.

Ms. Pelot, Preston Park Tenants Association, expressed frustration with the delay in annexing areas of the Ord Community, stating that Preston Park residents currently had no political representation on the MCWD Board.

Ms. Stone discussed past legal dealings with the Marina Coast Water District.

A member of the public expressed concerns regarding the amount of money spent by MCWD on lawyers and consultants.

Ms.Turley inquired as to why MCWD offered no program for low income customers and discussed the Proposition 218 process.

Ken Nishi, MCWD Board of Directors, addressed concerns regarding rate increases. Kelly Cadiente, MCWD, stated MCWD could investigate how other public utilities dealt with discounted rates for low income customers during their upcoming rate study. Howard Gustafson, MCWD Chair, discussed the annexation process.

Mayor Bachofner urged MCWD to investigate ways of increasing efficiency.

Councilmember Brown suggested that MCWD move forward with annexation in a timely manner. Councilmember Oglesby agreed and stated FORA need to take a stronger position in favor of annexation.

Supervisor Parker discussed the need for proper scheduling of infrastructure and development projects to avoid reliance on the ratepayers to fund infrastructure in advance of development revenue. She suggested that the FORA WWOC consider this during next year's CIP review. Justin Wellner agreed, noting that CSUMB was concerned about future rate increases.

MOTION: Mayor Edelen moved, seconded by Chair Potter, to:

1. **Receive presentations from FORA and MCWD staff;**
2. **Approve Resolutions 12-6 and 12-7 adopting a compensation plan and setting rates, fees and charges for former Fort Ord base-wide water and sewer services, with the addition of language stating that "no additional Ord Community resources should be used to further the Regional Desalination Project unless expressly authorized by the FORA Board" and removal of the $42,000 allocation to the Regional Desalination Project included in the proposed budget;**
3. **Direct the WWOC to look at future CIPs to ensure that expenditures are facilitating new development as it occurs in an appropriate manner;**
4. **Encourage MCWD staff to expedite the annexation process.**

Councilmember Beach suggested the inclusion of timelines in the motion.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF MAKER AND SECONDER: agendize informational item to outline the process for annexation for the August 10, 2012 Board meeting.

Mayor Bachofner asked whether the motion included approval for setting aside 2% of current salaries for potential future salary increases, dependent upon the results of the upcoming salary survey. Mayor Edelen confirmed that it did.

VOTE (second vote required): Ayes: Councilmember Beach, Mayor Edelen, Chair Potter, Supervisor Parker, Nick Chiulos, Councilmember Kampe, Mayor Donahue, Councilmember Oglesby. Noes: Mayor Bachofner, Councilmember Brown, Mayor Pro-Tem O'Connell, Councilmember Selfridge, Mayor Pendergrass.

MOTION: Mayor Bachofner moved, seconded by Councilmember Oglesby, and the motion passed unanimously to continue the meeting past 5:30 pm.

d. **Base Reuse Plan Reassessment Contract Amendment #2**
Mr. Garcia presented the item, explaining the purpose of the contract amendment.

MOTION: Mayor Edelen moved, seconded by Mayor Bachofner, to authorize the Executive Officer to execute a Base Reuse Plan reassessment contract Amendment #2 with EMC Planning Group, Inc.

INCORPORATED INTO THE MOTION WITH CONSENT OF THE MAKER AND THE SECONDER: reclassify "analysis of potential fiscal health of one or more of the individual jurisdictions" as a mandatory task.

Councilmember Oglesby emphasized the need to ensure all special interest groups the same degree of access and participation in the process. Several Board members stated they had received input that the previously held workshops were too heavy on presentation and did not allow enough time for public comment.

VOTE: unanimously approved

e. **Capital Improvement Program Review – Phase II Study**
   i. **Resolution 12-5 to Adopt a Formulaic Approach to Development Fees**
   ii. **Amendment #1 to FORA Jurisdiction's Implementation Agreements**
   iii. **EPS Contract Amendment #5**

Mr. Endsley provided an overview of the formulaic approach, noting that the item had been vetted over the previous 3 months by the Administrative Committee. Mr. Garcia explained the staff recommendations.

Jamie Gomes, Economic and Planning Systems (EPS), presented a history of the phase II work by EPS and described the purpose and application of the formulaic approach.

The Board inquired as to FORA's ability to provide funding for the veterans cemetery, FORA's continuing ability to meet its obligations, the timeline for completion of the Phase II Study, and the land sale revenue calculations included in the applied formulaic approach.

grievances. She addressed opposition to the proposal and noted that the Sierra Club would not agree to support a tiered appeal fee approach.

Chair Potter spoke in support of the proposal, noting that Board members could also sponsor an appeal for a member of the public at no charge.

Mayor Pro-Tem O'Connell stated he would oppose the motion. Councilmember Brown agreed and stated that rather than requiring members of the public to pay the fee and seek reimbursement, FORA should grant fee waivers. Supervisor Parker agreed with Councilmember Brown's concerns. Councilmember Oglesby stated that the current proposal, which included a reduced appeal fee accompanied by a promise of reimbursement, was reasonable.

MOTION: Councilmember Brown moved, seconded by Mayor Pro-Tem O'Connell, and the motion passed unanimously to amend section 8.01.050 (a) of the FORA Master Resolution to adjust FORA's Consistency determination appeal fee basis from the County of Monterey's land use appeal fee to an average of FORA's jurisdictions' land use appeal fees less the highest and lowest fee, as described in attachment A, with the addition of the following language: "the appeal fee shall be waived for an appellant who signs a declaration under penalty of perjury that she/he qualifies as very low income under low income standards."

b. **Records Retention Policy**
Principal Analyst Robert Norris explained that staff had reviewed numerous records retention policies from local, regional, and state agencies in preparation for the item. He discussed staff's request for additional funds to compensate for an unanticipated volume of public records requests.

The Board discussed the need establish a policy as soon as possible and acknowledged that future modifications would likely be necessary.

MOTION: Supervisor Parker moved, seconded by Councilmember Oglesby, and the motion passé dunanimously to adopt the proposed Records Retention policy, as presented, and to authorize FORA staff to expend up to $15,000 for additional resources to respond to an unanticipated volume of public records requests and to bring records into retention policy compliance.

Staff responded to several Board member questions regarding the policy. Councilmember Oglesby stated it was a strong policy and suggested that the retention schedule indicate which records were except from public disclosure.

VOTE: unanimously approved.

c. **Ord Community Water and Wastewater Systems Proposed Budgets and Rates for FY 2012/13 (2nd Vote)**
Assistant Executive Officer Steve Endsley summarized the previous Board consideration of the item.

i. **Follow-up Presentation by Marina Coast Water District**
Kelly Cadiente, Marina Coast Water District (MCWD), addressed several of the questions raised by the Board at their July 13, 2012 meeting.

ii. **Resolution Nos. 12-6 and 12-7 Adopting a Compensation Plan and Setting Rates, Fees and Charges for Base-wide Water and Sewer Services on the former Fort Ord**
The Board indicated a desire for a more detailed explanation of MCWD's progress toward Ord Community annexation and customer voting rights. Various Board members also discussed limiting capital and planning future expenditures on the regional desalination project, limiting the financial impact to the ratepayers of future capital expenditures, smoothing debt service for capital improvement projects prior to development in order to protect existing rate payers, the need to release information regarding MCWD contracts with consultants, attorneys, and engineering firms and encourage "in-sourcing," reducing MCWD staffing expenses, exploration of low-income rate options, and the need to provide information to the public regarding the number of votes required to defeat a Proposition 218 noticed rate increase.

Denise Turley inquired as to subsidies/fee waivers for low income individuals and opposed a raise for MCWD staff.

MOTION (2nd Vote): Mayor Edelen moved, seconded by Chair Potter, and the motion failed to:

a. **Receive presentations from FORA and MCWD staff;**
b. **Approve Resolutions 12-6 and 12-7 adopting a compensation plan and setting rates, fees and charges for former Fort Ord base-wide water and sewer services, with the addition of language stating that "no additional Ord Community resources should be used to further the Regional Desalination Project unless expressly authorized by the FORA Board" and removal of the $42,000 allocation to the Regional Desalination Project included in the proposed budget;**
c. **Direct the WWOC to look at future CIPs to ensure that expenditures are facilitating new development as it occurs in an appropriate manner;**
d. **Encourage MCWD staff to expedite the annexation process;**
e. **Agendize an informational item to outline the process for annexation for the August 10, 2012 Board meeting.**

INCORPORATION INTO THE MOTION WITH CONSENT OF MAKER AND SECONDER: remove the 2% allocated in the MCWD Budget for potential wage increases following a compensation study.

VOTE: Ayes: Mayor Edelen, Chair Potter, Councilmember Kampe. Noes: Mayor Pro-Tem O'Connell, Councilmember Brown, Councilmember Selfridge, Supervisor Parker, Councilmember Lutes, Mayor Pendergrass, Mayor Bachofner, Councilmember Oglesby.

d. **June 8, 2012 Tort Claim filed Against FORA by Keep Fort Ord Wild (2nd Vote)**
Mr. Bowden explained the legal procedure for denying a Tort Claim.

Several Board members expressed discomfort with denying the claim prior to a full investigation of its allegations. Mr. Bowden explained that denial of the claim was a matter of legal procedure and would not limit the Board's ability to investigate the allegations.

MOTION: Mayor Edelen moved, seconded by Councilmember Oglesby, and the motion passed to deny the claim submitted by Keep Fort Ord Wild on June 8, 2012.

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
~~iii. The City of Marina v. Fort Ord Reuse Authority, Case Number: M118566~~

b. Conference with Legal Counsel - Anticipated Litigation, Gov Code 54956.9(b) – One Case

Mr. Houlemard announced that Item 8aiii would not be heard.

The Board adjourned into closed session at 5:20 p.m. and convened into open session at 5:57 p.m.

9. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

Authority Counsel Jerry Bowden announced that the Board had instructed staff to proceed with an enforcement program to maintain security of the ESCA property.

Chair Potter recommended that, in order to reduce the length of the meeting, the Board continue consideration of Item 7c to the next Board meeting.

MOTION: Mayor Edelen moved, seconded by Mayor Donahue, and the motion passed unanimously to continue Item 7c to the September 14, 2012 Board meeting.

Agenda item 7 was resumed

b. Marina Coast Water District Water and Wastewater Rates, Fees and Charges and Resolution of Outstanding Issues

Mr. Endlsey addressed concerns raised by the Board at the July Board meetings regarding the Marina Coast Water District (MCWD) budget.

Carl Niizawa, MCWD, stated that lack of an approved operating budget prevented the District from moving forward with important new projects. Mr. Endsley discussed the terms of the agreement between FORA and MCWD.

LeVonne Stone suggested that any necessary revenue increases should be obtained from developers, not from ratepayers.

Chair Potter emphasized that in order for staff to resolve any outstanding issues with regards to approval of the MCWD budget, those Board members opposed to approval must clearly articulate their issues to staff.

Justin Wellner stated that CSUMB was concerned with the overburdening of the ratepayers and offered to meet with MCWD staff.

Chair Potter deemed the report received without exception.

~~c. Preston Park Fiscal Year 2012/13 CIP and Rates~~

Continued to September Board meeting.

d. Capital Improvement Program Review – Phase II Study

i. Adopt Resolution to Implement a Formulaic Approach to the FORA Development Fee Schedule and Communities Facilities District Special Tax Rates

ii. Approve Amendment #1 to the FORA-Jurisdictions Implementation

RETURN TO AGENDA

THE VETERANS COUNCIL

220 TWELFTH ST.

ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

Item 5c

JUL 13 2012

J6

Ft. Ord Reuse Authority
Attn: Mr. Michael Houlemard
920 2nd Ave., Suite A
Marina, CA 93933

July 13, 2012

Dear Mr. Houlemard:

On behalf of the United Veterans Council and our member organizations this letter is to request that the Fort Ord Reuse Authority (FORA) consider formally recognizing the United Veterans Council as voice of the local chapters of the legitimate veteran service organizations in Monterey County. Furthermore, we request that you afford the council membership on the FORA Board to represent those interests.

As I am sure you will recall, when Ft. Ord closed in the early 1990's and FORA was created, many of the members of the original board were veterans, veteran spouses, and other military affiliated people. They represented their constituencies which included veterans when conducting the affairs before FORA. Over time this presence has been reduced through changes in the personnel who represent the various land use jurisdictions and other stakeholders in the future use of the former Ft. Ord. Now it seems that the interests of veterans are being challenged on many fronts but there is no one specifically designated to speak on our behalf to remind the board of our place in the past, present and future of the former Ft. Ord. Veterans are stakeholders in what happens on these lands because we make up such a large percentage of the residents in this area and because we have lands designated for our use as a Veteran Cemetery. Not to recognize veterans is to disenfranchise a sizeable portion of the county when considering actions before FORA. Given the current climate timely action is critical.

We therefore respectfully request that you take all necessary actions to create a seat on the Reuse Board for Monterey County veterans through the UVC in the most expeditious manner possible. Thank you in advance for your assistance in this most urgent matter.

Sincerely,

James Bogan
President

"Serving Those Who Served"

S

RETURN TO AGENDA

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Approval of Board Meeting Minutes i. August 29, 2012 FORA Board Meeting ii. September 14, 2012 FORA Board Meeting	
Meeting Date: **Agenda Number:**	October 12, 2012 7a	**ACTION**

RECOMMENDATION:

Approve the Board meeting minutes of August 29, 2012 (**Attachment A**) and September 14, 2012 (**Attachment B**)

BACKGROUND/DISCUSSION:

At the September 14, 2012 FORA Board Meeting, Mayor Bachofner requested several modifications to the August 29, 2012 Board minutes. The minutes have been amended accordingly and are presented for your consideration.

At the direction of the FORA Board and Executive Committee, staff has modified the minute format. The modified format, as evidenced in the September 14, 2012 minutes, is intended to abbreviate the meeting minutes while still providing a clear and accurate record of the proceedings. For those desiring a greater degree of detail, the full video recording of each FORA Board meeting is available on the FORA website at www.fora.org and DVDs are available for sale in the FORA offices.

FISCAL IMPACT:

Reviewed by the FORA Controller

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

COORDINATION:

FORA Board and Executive Committee

Prepared by Lena Spilman **Approved by** Michael A. Houlemard, Jr.

Fort Ord Reuse Authority

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

BOARD OF DIRECTORS BOARD MEETING
Wednesday, August 29, 2012 at 5:30 p.m.
910 2nd Ave, Marina (Carpenter's Union Hall)

Minutes DRAFT

1. CALL TO ORDER AND ROLL CALL

Chair Potter called the Board Meeting to order at 5:30 p.m.

Voting Members Present:

Chair/Supervisor Potter (County of Monterey)
Mayor Edelen (City of Del Rey Oaks)
Councilmember Beach (City of Carmel-by-the-Sea)
Councilmember Ford (City of Marina)
Councilmember Brown (City of Marina)
Supervisor Calcagno (Monterey County)
Supervisor Parker (County of Monterey)
Councilmember Kampe (City of Pacific Grove)
Mayor Donahue (City of Salinas)
Mayor Pendergrass (City of Sand City)
Mayor Bachofner (City of Seaside)
Mayor Pro-Tem Bloomer (City of Seaside)

Absent:
Mayor Burnett (City of Carmel-by-the-Sea), Mayor ProTem O'Connell (City of Marina), Councilmember Oglesby (City of Seaside), Councilmember Selfridge (City of Monterey)

Ex-Officio Members Present:

Cristal Clark (15th State Senate District)
Nicole Charles (27th State Assembly District)
Graham Bice (University of California)
Justin Wellner (CSUMB) @ 3:34 p.m.
Vicki Nakamura (MPC)
Gail Youngblood (Fort Ord BRAC Office)
Ken Nishi (MCWD)

2. PLEDGE OF ALLEGIANCE

Chair Potter led the Pledge of Allegiance.

3. CLOSED SESSION

Chair Potter announced the closed session items and called for public comments. Receiving none, the Board convened into closed session at 5:34 p.m.

a. Conference with Legal Counsel - Existing Litigation, Gov Code 54956.9(a) – Three 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**
- **iii. Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Number: M119217**

The Board reconvened into open session at 6:06 p.m.

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

Authority Counsel Jerry Bowden announced that the Board had retained Kennedy, Archer and Harray as legal counsel for case number M119217.

5. ACKNOWLEDGEMENTS ANNOUNCEMENTS, AND CORRESPONDENCE

None.

6. **PUBLIC COMMENT**

Ron Cheshire, Building Construction Trades Council, discussed prevailing wage.

LeVonne Stone, Fort Ord Environmental Justice Network, discussed the Board's method of receiving public comments. She suggested that the Fort Ord Environmental Justice Network should not have to follow the same process as the general public.

Ken Dursa discussed falling home prices and lack of economic development.

Jan Shriner discussed housing developments approved by the City of Marina.

7. **CONSENT AGENDA**
   a. **July 13, 2012 FORA Board Meeting Minutes**
   b. **July 26, 2012 FORA Board Meeting Minutes**

Executive Officer Michael Houlemard explained that staff had made several minor modifications to the July 26, 2012 Board meeting minutes, an excerpt of which had been distributed to the Board and public.

Due to questions regarding the July 13, 2012 minutes, Chair Potter proposed that Item 7a be continued to the next meeting. The Board agreed. *(Item 7a was approved at the August 10, 2012 meeting and was agendized for this meeting in error)*

MOTION: Mayor Bachofner moved, seconded by Mayor Edelen, and the motion passed unanimously to approve the July 26, 2012 Board meeting minutes as amended.

8. **OLD BUSINESS**
   a. **Capital Improvement Program Review – Phase II Study (2nd Vote)**
      i. **Adopt Resolution to Implement a Formulaic Approach to the FORA Development Fee Schedule and Communities Facilities District Special Tax Rates**
      ii. **Approve Amendment #1 to the FORA-Jurisdictions Implementation Agreements to Implement a Formulaic Approach**

Assistant Executive Officer Steve Endsley presented an overview of the formulaic approach and provided answers to questions asked by the Board at the previous Board meeting.

Mayor Bachofner stated that because the workshop was schedule to begin, the Board should continue the second vote on the item to the next Board meeting.

MOTION: Mayor Bachofner moved, seconded by Councilmember Brown, to continue the item to the September 14, 2012 Board meeting.

Mr. Houlemard stated that the second vote was customarily taken at the meeting immediately following a first vote. Mayor Edelen emphasized the urgency of the second vote and its potential impact on current state legislation.

The Board agreed to continue consideration of all action items until after the scheduled public workshop.

Mayor Donahue stated that the item had been properly vetted and was ready for a second vote.

SUBSTITUTE MOTION: Councilmember Ford moved, seconded by Mayor Donahue, to:

i. **Adopt a Resolution, which would implement a formulaic approach to establishing the Fort Ord Reuse Authority (FORA) Development Fee Schedule and Community Facilities District (CFD) Special Tax rates (Attachment A).**

ii. **Authorize the Executive Officer to execute Amendment #1 to the FORA-jurisdictions Implementation Agreements, which would codify the formulaic approach to establish the FORA Development Fee Schedule and CFD Special Tax rates (Attachment B).**

iii. **Schedule Board review of the formula after one year.**

Supervisor Parker expressed continuing concerns with the item.

POINT OF ORDER: Councilmember Ford called the previous question on the substitute motion.

VOTE ON SUBSTITUTE MOTION: Ayes: Councilmember Beach, Mayor Edelen, Councilmember Ford, Chair Potter, Supervisor Calcagno, Councilmember Kampe, Mayor Donahue, Mayor Pendergrass, Mayor Bachofner, Mayor Pro-Tem Bloomer. Noes: Supervisor Parker, Councilmember Brown

b. Ex-Officio Representation on FORA Executive Committee (2nd Vote)

Mayor Bachofner stated that, based on assurances that the request for representation on the FORA Executive Committee was not intended as a first step towards altering the composition of the FORA Board, he planned to reverse his previous opposition to the item and vote in support of granting CSUMB's request.

MOTION: Mayor Edelen moved, seconded by Supervisor Parker, and the motion passed unanimously to amend Chapter 2, Article 2.03.020 of the FORA Master Resolution to add an ex-officio non-voting member to the FORA Executive Committee, to be appointed from among the ex-officio Board members by the Board Chair on an annual basis.

9. PUBLIC WORKSHOP

a. Base Reuse Plan Reassessment Draft Scoping Report

Senior Planner Jonathan Garcia provided a brief presentation, recognizing several timely comments that had been inadvertently omitted from the draft report. He stated that those comments had been identified and included.

The Board received comments from members of the public regarding the draft Scoping Report. (*Please see attached transcription.)*

Chair Potter thanked members of the public for attending and for their professionalism and respect for time limitations.

Mr. Houlemard announced that all comments received by September 4, 2012 would be included in the final Scoping Report. He discussed the timeline for Reassessment.

10. ITEMS FROM MEMBERS

Mayor Bachofner requested that the Board reconsider Item 8a, either at that meeting or at a future meeting, in order to allow Supervisor Parker adequate time to discuss the item. Chair Potter stated

that the second vote had already taken place on the item, but that Mayor Bachofner could bring it back for reconsideration at another time.

11. ADJOURNMENT

Chair Potter adjourned the meeting at 8:51 p.m.

Mayor Bachofner motioned for reconsideration of Item 8a. Chair Potter ruled the motion out of order as the meeting had already been adjourned.

Minutes prepared by Lena Spilman, Deputy Clerk

Approved by:

_____

Michael A. Houlemard, Jr.

Fort Ord Reuse Authority
920 2nd Avenue, Suite A, Marina, CA 9393
Phone: (831) 883-3672 • Fax: (831) 883-3675 •

Minutes

Friday, September 14, 2012
Meeting of the Fort Ord Reuse Authority Board of Directors
910 2nd Ave, Marina (Carpenter's Union Hall)

DRAFT

1. CALL TO ORDER AND ROLL CALL

Chair Dave Potter called the meeting to order at 3:08 p.m.

Voting Members Present:

Chair/Supervisor Potter (County of Monterey)
Mayor Edelen (City of Del Rey Oaks)
Mayor Burnett (City of Carmel-by-the-Sea)
Councilmember Selfridge (City of Monterey)
Supervisor Parker (County of Monterey)
Councilmember Kampe (City of Pacific Grove)
Mayor Donahue (City of Salinas)
Mayor Pro-Tem Bloomer (City of Seaside) *(for Councilmember Oglesby)*

Absent:
Supervisor Calcagno (County of Monterey), Mayor ProTem O'Connell (City of Marina), Councilmember Brown (City of Marina), Mayor Pendergrass (City of Sand City), Mayor Bachofner (City of Seaside),

2. CLOSED SESSION

Chair Potter announced the closed session items and invited public comment. Seeing none, the Board adjourned into closed session at 3:09 p.m.

Mayor Bachofner, Mayor Pendergrass, Mayor Pro-Tem O'Connell, and Councilmember Brown joined the Board during the course of the closed session.

a. Conference with Legal Counsel - Existing Litigation, Gov Code 54956.9(a) – Four 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**
- **iii. Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Number: M119217**
- **iv. The City of Marina v. Fort Ord Reuse Authority, Case Number: M118566**

b. Conference with Legal Counsel – Anticipated Litigation, Gov Code 54956.9(b) – One Case

3. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

The Board convened into open session at 3:35 p.m., at which time Chair Potter requested a second roll call.

Voting Members Present:

Chair/Supervisor Potter (County of Monterey)
Mayor Edelen (City of Del Rey Oaks)
Mayor Burnett (City of Carmel-by-the-Sea)
Mayor ProTem O'Connell (City of Marina)
Mayor Pendergrass (City of Sand City)
Councilmember Brown (City of Marina)
Councilmember Selfridge (City of Monterey)
Supervisor Parker (County of Monterey)
Councilmember Kampe (City of Pacific Grove)
Mayor Donahue (City of Salinas)
Mayor Bachofner (City of Seaside)
Councilmember Oglesby (City of Seaside)

Absent:
Supervisor Calcagno (County of Monterey)

Ex-Officio Members Present:

Alec Arago (17th Congressional District)
Assemblymember Bill Monning (27th State Assembly District)
Graham Bice (University of California)
Interim President Eduardo Ochoa (CSUMB)
Dr. Doug Garrison (MPC)
Dan Albert, Jr. (MPUSD)
COL Joel Clark (U.S. Army)
Gail Youngblood (Fort Ord BRAC Office)
Howard Gustafson (MCWD)

The Board convened into open session at 3:35 p.m.

Authority Counsel Jerry Bowden announced that during closed session the Board provided direction regarding existing litigation and appointed Special Counsel to represent FORA regarding Item 2b.

4. PLEDGE OF ALLEGIANCE

Assemblymember Bill Monning led the Pledge of Allegiance.

5. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

Executive Officer Michael Houlemard announced the Community Information Session scheduled for August 20th to discuss Parker Flats remedial activities and resulting community Impacts.

a. Legislative Update from Assemblymember Bill Monning

Assemblymember Monning provided an update regarding AB 1614 and AB 1842, stating that both bills had passed through the legislature and were awaiting the Governor's signature.

b. Letter from CSUMB - Presentation by CSUMB Interim President Eduardo Ochoa

Interim President Ochoa discussed the demand for University growth and identified factors limiting expansion. He provided information regarding the student body composition, the economic impact of CSUMB to the region, and the future of CSUMB's partnership with FORA.

c. Request from Mayor Bachofner for Reconsideration of Item 8a on the August 29, 2012 FORA Board Agenda

Supervisor Parker requested the item be continued to allow staff time to address concerns regarding how the item had been agendized.

MOTION: Supervisor Parker moved, seconded by Mayor Burnett, and the motion passed to continue the item to the next Board meeting. Ayes: Mayor Burnett, Mayor Edelen, Mayor Pro-Tem O'Connell, Councilmember Brown, Councilmember Selfridge, Chair Potter, Supervisor Parker, Councilmember Kampe, Mayor Pendergrass, Mayor Bachofner, Councilmember Oglesby. Noe: Mayor Donahue

6. PUBLIC COMMENT PERIOD

The Board received comments from members of the public on a variety of topics.

MOTION: Mayor Edelen moved, seconded by Councilmember Oglesby, and the motion passed unanimously to continue the meeting beyond 5:30 p.m.

7. CONSENT AGENDA

a. August 10, 2012 FORA Board Meeting Minutes ACTION
b. August 29, 2012 FORA Board Meeting Minutes ACTION

Mayor Pendergrass announced he would abstain from voting on the August 29, 2012 Board meeting minutes. Mayor Bachofner requested several modifications to the August 29, 2012 minutes and the Board agreed to postpone consideration of the item.

MOTION: Mayor Edelen moved, seconded by Mayor Burnett, and the motion passed unanimously to approve the August 10, 2012 minutes as presented.

8. NEW BUSINESS

a. *Ad-Hoc* Committee Report – Selection of Forensic Auditor

Mayor Edelen discussed the forensic audit scope of work proposed by the *Ad-Hoc* Committee and communicated the Committee's recommendation that the Board approve selection of RGL Forensics to perform the audit.

MOTION: Mayor Bachofner moved, seconded by Mayor Burnett, and the motion passed unanimously to approve the selection of RGL Forensics to be the Fort Ord Reuse Authority Forensic Auditor and to authorize the Executive Officer to execute an Audit Services Agreement.

The Board agreed to take a brief recess at 5:53 p.m. and reconvened at 6:01 p.m.

9. OLD BUSINESS

d. Veterans Cemetery Parcel Land Use Designations

Senior Planner Jonathan Garcia provided a brief overview of the item, noting that the City of Seaside had requested Board approval of recommendation #1 or #2 on the provided staff report. The Board discussed the item and received comments from members of the public.

MOTION: Mayor Donahue moved, seconded by Mayor Edelen, to approve staff recommendation #3, which would approve or adopt land use designation changes to the Base Reuse Plan Land Use Concept map and text amendments to change land use designations for the Veterans Cemetery Parcel to be consistent with Table 1(staff report) proposed land use designations.

SUBSTITUTE MOTION: Mayor Burnett moved, seconded by Supervisor Parker, to direct staff to provide the Board additional information, including a draft resolution, regarding a fourth option that would allow designation of the veteran's cemetery parcel independent of the endowment parcel.

VOTE ON SUBSTITUTE MOTION:
Ayes: Councilmember Kampe, Mayor Bachofner, Chair Potter, Councilmember Selfridge, Mayor Burnett, Councilmember brown, Supervisor Parker.
Noes: Mayor Donahue, Mayor Pendergrass, Mayor Edelen, Councilmember Oglesby.
*Items returns for a second vote.

c. Ord Community Water and Wastewater Rates, Fees and Charges and Resolution of Outstanding Issues

Assistant Executive Officer Steve Endsley provided a brief overview of the item and the Board received a report from MCWD representative Carl Niizawa.

MOTION: Supervisor Parker moved, seconded by Mayor Edelen, and the motion passed unanimously to approve Resolutions 12-6 and 12-7, adopting a compensation plan and setting rates, fees and charges for former Fort Ord base-wide water and sewer services, with the following modifications:

1. Acceptance of previous amendments to remove all references to the Regional Water Project and eliminate the 2% allocation for potential wage increases following a compensation study.
2. Elimination of the proposed 5% rate increase, to be recovered through cost saving measures and/or use of operating reserves, as per Board discussion.

e. Base Reuse Plan Reassessment – Final Scoping Report

MOTION: Mayor Edelen moved, seconded by Councilmember Brown, and the motion passed unanimously to continue the item.

b. Selection of FORA Annual Auditing Firm
Councilmember Kampe presented the Finance Committee's recommendation regarding selection of an annual auditing firm to the Board.

MOTION: Mayor Burnett moved, seconded by Supervisor Parker, and the motion passed unanimously to approve the selection of Moss, Levy, and Hartzheim as the annual FORA Auditor and to authorize the Executive Officer to execute a three-year audit services agreement beginning with the fiscal year ending June 30, 2012, subject to annual review by the FORA Finance Committee.

c. Preston Park Fiscal Year ("FY") 2012/13 Budget

MOTION: Councilmember Brown moved, seconded by Mayor Edelen, and the motion passed unanimously to continue the item.

10. EXECUTIVE OFFICER'S REPORT
- **a. FORA Master Resolution Appeal Fee Amendment**
- **b. Outstanding Receivables**
- **c. Administrative Committee**
- **d. Finance Committee**
- **e. Water/Wastewater Oversight Committee**
- **f. Habitat Conservation Plan**
- **g. Public Correspondence to the Board**

Hearing no objections from the Board, Chair Potter deemed the Executive Officer's Report received without exception.

11. ITEMS FROM MEMBERS
None

12. ADJOURNMENT
Chair Potter adjourned the meeting at 8:17 p.m.

Minutes prepared by Lena Spilman, Deputy Clerk

Approved by:

Michael A. Houlemard, Jr.

RETURN TO AGENDA

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Payment of Utilities Costs for General Jim Moore Boulevard	
Meeting Date:	October 12, 2012	**ACTION**
Agenda Number:	7b	

RECOMMENDATION:

Authorize payment of $63,107.00 to Marina Coast Water District (MCWD) and $203,027.78 to Pacific Gas & Electric (PG&E) for work outside of the General Jim Moore Boulevard (GJMB) construction contract.

BACKGROUND/DISCUSSION:

In past roadway improvement projects, the Fort Ord Reuse Authority (FORA) has included the basic landscaping of center medians, including installation of irrigation piping, controllers and water supply meters. The fees for water meter installations have always been paid by FORA. In 2011, when the FORA Board approved MCWD rates, fees and charges, capacity charges were set by that approval. Those approved charges are what set the price for the water meter installations. The installation of water meters was not included in the original bid or contract for this work.

At the intersection of Mescal and the Hilby extension to GJMB, an existing PG&E power pole fell within the Hilby extension roadway and its foundation stood well above street level. The pole needed to be relocated outside of the intersection. PG&E accomplished the relocation under an "Actual Cost Contract". The final cost of the relocation was $203,027.78.

The pole was a portion of a transmission system PG&E had constructed in the late 1930's and was not a portion of the facilities conveyed by Army to PG&E, therefore; the cost of relocation fell to FORA.

FISCAL IMPACT:
Reviewed by FORA Controller

The total cost of these two items of work is 266,134.78. Community Facilities District fees will be utilized for payment.

COORDINATION:
MCWD, PG&E, City of Seaside

Prepared by _____
James M. Arnold

Approved by _____
Michael A. Houlemard, Jr.

RETURN TO AGENDA

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject:	Preston Park Fiscal Year ("FY") 2012/13 Budget-Continued	
Meeting Date:	October 12, 2012	**ACTION**
Agenda Number:	8a	

RECOMMENDATION(S):

Approve FY 2012/13 Preston Park Housing Operating and Capital Expenditure Budgets Option **A**-Approve a 3% rent increase and Capital Improvements or **B** –Approve the Operating Budget , and deferring rent increase and Capital Improvements.

BACKGROUND/DISCUSSION:

In the July 13, 2012 Fort Ord Reuse Authority ("FORA") Board meeting the Preston Park 2012/2013 Fiscal Year Operating Budget was approved with the instruction to return the consideration of Capital Improvement Program and a rent increase for the August 10, 2012 meeting with responses to tenant claims and reporting issues. At the August 10, 2012 meeting the item was pulled to address a request by a FORA Board member that all Board members be given a complete copy of the Preston Park Marketing Survey and Operating Budget. In prior reports the items were summary pages of the full reports because they are forty and 140 pages in length. These items have been provided to the requesting FORA Board member and are posted online for all at http://fora.org/fora downloads.htm.

The staff has reviewed the Preston Park FY 2012/13 Operating Budget and Capital Improvement Program (CIP) Assessment and is prepared to recommend approval of the Capital Expenditure Budget and rent increase as noted below:

Option A

- Approve the Operating and Capital Expenditure Program budgets (attachment **B** page **3**) reflecting a 3% rent increase and approving capital improvement expenditures. The rental increase assures that revenues keep pace with budgeted expenses and sustains the Replacement Reserve.

Option B

- Approve the Operating Budget and defer the rental increase (attachment **B** page 2) and the proposed Capital Improvement Program work for a future owner of the property.

Staff recommends **Option A** considering; 1) the Board has postponed rental increases this past year no increase since 7/1/10, 2) an increase in accord with the adopted formula keeps revenues tracking with expenses, and 3) Capital Improvement Program expenditures will drain reserves.

The overall budget sustains FORA Board June 2010 approved formulas for setting annual market rents. The adopted formulae are: 1) **Move-ins** - establishing market rents on an on-

Follow-up Issues from June 8, 2012 Board Meeting

- Resident Complaints- Several Preston Park residents stated that they were threatened, intimidated, and or treated disrespectfully when they expressed concerns about conditions at the Preston Park Apartments. FORA and Alliance staff have contacted the speakers and were informed that the incidents happened after attendance at a Marina City Council meeting and that they were unable to identify the persons involved. FORA staff is continuing to investigate this matter.

Follow-up issues from August 10, 2012 Board Meeting

- Frank O'Connell Concerns received August 9, 2012

  ITEM 7c PRESTON PARK FISCAL YEAR 2012/13 and RATES
  Alliance *Responses– 08/20/2012*

  1. **Water Heaters**: They have not been strapped in compliance with the law. I have been informed that completion of the double straps will be done no later than **8/17/12**.
     Alliance Response: *Water heaters have never been double strapped confirming the statement above, this project was completed August 20, 2012.*

  2. **Market Survey**: The Market Survey is not attached to the staff report and to date has never been submitted to the board for review. **Attachment C** is nothing more than an itemization as to the Preston Park residences. I have personally asked for the market survey and was promised the same. It has not been provided.
     *During the Marina City Council session on Abrams Park (also manage by Alliance) the survey was provided and it showed that the monthly rent on several of the comparative apartment complexes had decreased from the previous year.
     Alliance Response: *A full printable version of the market survey, part of which is Attachment B, had been made available to FORA. The summary page was printed and included in all the FORA Board Reports It is also available as part of the financial operating package submitted to FORA monthly. It has been sent to Mayor Pro Tem O'Connell.*

     a. The claim of 16% below market rate for in-place residents at PP is simply not supported by any documents submitted to date to the board.
        Alliance Response: *FORA has been provided with the full budget package, which provides detailed information to include the average gain to lease for each new move-in (market rents). At the time of budget preparation, the average differential between the average in place market rate unit rent and market rent was 16%. Full report sent to Frank O'Connell.*

3. The inconsistencies between the Alliance letters and the budget summary continue.

***FOR A staff is requested to provide the board members with a copy of the 7/20/12 from Alliance to FOR A's executive officer with this attachment.**

a. On May 20, 2012, June 1, and 20, 2012 Alliance sent letters to the FORA executive officer. In each letter the total amount salary, payroll taxes and payroll burden/benefits equals $398,736.00 for projected 2012 and $421,627.00 for proposed 2013.
Alliance Response: *August 30 Letter responds to most recent concerns.*

b. The budget summary page, **Attachment A, page 1 to this agenda** shows: $410,059.00 for 2012 and $434,036.00 for 2013. An unexplained difference of:
2012 more than $11,000.00
2013 more than $12,000.00
Alliance has had months to explain the discrepancy and has failed to do so.
Alliance Response: *As explained in previous board meetings, prior versions of the budget memo provided variance explanations for subcategories within the payroll line item which had notable variances. There appeared to be confusion for some Board members, as only subcategories with notable variances were listed – and if added together – they did not match the total payroll number found on the main budget sheet used in the FORA board package as not all subcategories were listed. In order to ease the concerns, the primary (rolled up) payroll number was used in the memo, and explanations were also rolled up. The previous methodology of reporting used had been at the request of the City of Marina Asset Management team during subsequent years.*

PRESTON PARK PAYROLL BREAKDOWN BY CLASSIFICATION

PAYROLL	Proposed 2013	Projected 2012	Variance	Variance %
Administrative Salaries	$125,919	$114,708	($11,211)	-9.8%
Maintenance Salaries	$194,682	$178,128	($16,554)	-9.3%
Bonus	$11,788	$10,654	($1,134)	-10.6%
Payroll Taxes	$33,576	$26,228	($7,347)	-28.0%
Payroll Benefits and Burden	$67,450	$60,658	($6,764)	-11.1%
Non-Staff Labor	$0	$18,987	$18,987	100%
New Hire Expense	$621	$667	$46	7.0%
Total Payroll	**$434,036**	**$410,059**	**($23,977)**	**-5.8%**

4. **Bullet point 5** on page 2 of this staff report states an "amenity charge" as the reason for the difference. What is the amenity charge?
Alliance Response: *The amenity charge is $25 for units which have a premium end unit location. Amenity premiums can also be assigned for above average unit finishes.*

5. Also in that bullet point it states "The actual rent for in-place residents is **$1,146.00-$1,555.00**.
   a. This is not a true statement. **Attachment B of this agenda item** shows a low of $1,455.00 not $1,146.00
      Alliance Response: *Attachment B is a Market Survey indicating market rents for New Residents only. The market survey is not a tool or a report to measure in place rents, which is the $1,146 referenced above.*

   b. Also the letter of 6/20/12 shows a range of **$1,455.00-1,890.00** for in-place 3 bedroom units, but Attachment B shows a range of **$1,830.00-$1,855.00.**
      Alliance Response: *There are three apartment homes in Preston Park which have amenities above and beyond a typical home. As they are not currently available, they are not included in the Market Survey. One of those upgraded apartments is a three bedroom home which is currently occupied a rate of $1890 per month, and therefore included in the memo as the highest rent for an in place rent. In order to alleviate confusion, we have amended the memo to allow for this top end rent for the three bedroom unit type.*

6. **Alliance's verbal response to these concerns should not be accepted. A written explanation given in advance of the next board meeting is necessary so that the board can make a competent, informed and proper decision.**
   Alliance Response: Please see the comments above.

Alliance is playing fast and loose with numbers and has to be held accountable.
Alliance Response: *Information provided to the board is done so in good faith. FORA staff made the decision to provide the summary copies as attachments because of the size of the documents (40 and 140 forty pages). Alliance endeavors to provide timely and reliable information, and has been and will continue to be available to answer questions, provide clarification and make changes as necessary or requested.*

1. An updated letter to the executive officer has to be provided with accurate information.
   Alliance Response: *Note August 30 Letter.*

2. The actual survey of March 2012 has to be provided to the executive officer.
   Alliance Response: As stated above, a market survey has been provided to FORA and is available for review.

3. Each of those documents must be provided to the FORA Board prior to a decision being made by the board.
   Alliance Response: *All documents as requested have been provided to Board member O'Connell and posted on the FORA Website.*

FISCAL IMPACT:

Reviewed by FORA Controller

Both options provide FORA adequate revenue to cover the Preston Park loan debt service.

COORDINATION:

FORA Staff, Alliance Staff, Administrative Committee, Executive Committee.

Prepared by
Robert J. Norris, Jr.

Approved by
Michael A. Houlemard, Jr.

August 30, 2012

Mr. Michael Houlemard, Jr.
Fort Ord Reuse Authority
920 Second Avenue Suite A
Marina, California 93933

Re: Preston Park 2012-2013 Proposed Budget

Dear Mr. Houlemard:

Pursuant to the terms outlined in the Management Agreement between the Fort Ord Reuse Authority and Alliance Communities, Inc and in accordance to the management agreement, please find enclosed the proposed Fiscal Year (FY) 2012 - 2013 budget for Preston Park. We will solicit input from Fort Ord Reuse Authoritystaff and residents. Residents will be notified in writing one week before the draft budget will be available at the management office and that we will be conducting a meeting to review and discuss the budget.

Revenues
The primary source of revenue is rents, Section 8 voucher payments from the Housing Authority of the County of Monterey and associated charges to residents such as late fees.
The proposed budget reflects projected revenues according to the formulas. The market rent for new move-ins is calculated by comparable market rent levels in the competitive market throughout the year.

The formula states that the annual increase in market rents for in-place tenants shall be capped at the lesser of three percent (3%) or the Department of Labor's Consumer Price Index for San Francisco-Oakland-San Jose, All Items, for All Urban Consumers (referred to as CPI-U) Average percentage for the previous calendar year to be applied to the next fiscal year, provided that the increased rent for in-place tenants does not exceed the market rent charged to move-in tenants. Last year a proposed increase of 1.8% was approved by Board for the 2011/2012 FY, then rescinded. The current budget reflects the maximum rent increase of three percent (3%), which represents the only increase given to in-place residents over the past 24 months.

Current Market Rent Conditions
The average two bedroom apartment in Marina rents for between $1,100 and $1,423 per month, which does not consider utilities. Please refer to the explanation below for further detail. Additionally, the comparables as outlined in the market survey of March 2012 (posted on FORA website) are significantly smaller in square footage than units at Preston Park.

As a point of measurement, the competitive set as represented in the market study provided as part of the budget package, reflect an average effective rent per square foot range of $1.29 - $1.61 psf. Preston Park's market rent average is $1.17. If a $100 per month allowance is added for water, trash and sewer expenses, this increases the rent per square foot average at Preston Park to $1.24, which is still no less than $.05 less than the lowest rent in the market place and up to $.37 psf less than the competitive properties with the highest effective rent per square foot in the market place.

In addition to the two-bedroom floor plans, Preston Park offers unique three bedroom town home floor plans, each with front and back yards, ample storage and garages, unlike comparative apartments in the surrounding area.

Preston Park residents are responsible for paying their own utilities; such as gas, water, electricity, sewer and trash. The market rate rent is adjusted to compensate for the cost of water use, utility costs and garbage not paid by residents at other communities in the area. Therefore, the budget assumes adjustments in rental rates in order to compensate such costs.

Utility costs for 2011 - 2012 as published by the Housing Authority of the County of Monterey (HACM) are as follows:

	Two Bedroom	Three Bedroom
Water	$19	$20
Sewer	$13	$13
Garbage	$17	$19
Heating	$9	$10
Wtr Htg Gas	$15	$16
Cooking-Gas	$8	$9
Electric-other	$17	$18
Total	**$98**	**$105**

These rates are used to measure Preston Park's competitiveness in the market place once utility expenses, typically provided by other competitive properties, are taken into account against the rental rate. Please refer to the measurement above.

Market Rents – In Place Residents

At this time, the proposed 2012/2013 budget assumes a 3% increase for in place residents, which is in line with the approved rent formula, which is the lesser of three percent (3%) or the Department of Labor's Consumer Price Index for San Francisco-Oakland-San Jose, All Items, for All Urban Consumers (referred to as CPI-U) Average percentage for the previous calendar year will be applied. This year, the year over year CPI increase described above was 3%. The rents proposed in the budget under the assumption of three percent increase are as follows (Application of rent formula below):

In-Place Market Rate Rents			
Unit Size	**Current Rent Range FY11/12**	**Proposed FY12/13 Rent**	**Change 8/1/12**
Two Bedroom	$1,146 - $1,530	$1,180 - $1,602	$34 - $47
Three Bedroom	$1,455 - $1,890	$1,499 - $1,947	$44 - $57

As shown on the attached Market Survey of March 2012, the proposed in-place market rents are within range of comparable units in the Marina/Seaside rental market.

The rent increases above reflects a 3% increase which translates to between $34 and $57 respectively. Where an in place resident falls in that rent increase range will depend on their tenure at the property and move-in date. Please note, as no rent increase was given during the 2011/2012 fiscal year, the 3% increase proposed represents the first increase in rent in the last 24 months.

Should FORA elect to forego the proposed 2012/2013 rent increase which is represented in the budget provided; the potential net income will be reduced by $34,246 for the 2012/2013 fiscal year. This amount is representative of 8 months of impacted revenue, as increases were scheduled for December 1, 2012.

Market Rents – Incoming Residents

The market rents for new move-ins are fluid throughout the year and change with the market conditions. Today, market rents for new move-ins are as follows:

Unit Size	**Current Rent Range for Incoming Market Rate Residents**
Two Bedroom	$1,530 - $1,605
Three Bedroom	$1,880 - $2,000

*Incoming rates are subject to change on an ongoing basis. The budget assumes 3% increase in market rents for incoming residents, which is not reflected in the table above as these rates represent the current asking rents.

Affordable Rental Rates

Affordable rental rates are derived from median income schedules published by governmental agencies. Rental rates at Preston Park are based upon 50% and 60% of the median income for Monterey County. The U.S. Department of Housing and Urban Development calculates the maximum household income by family size in Monterey County, generally once a year. The rental rates are based upon families at 50% and 60% of the Monterey County median income for 2012 and allowances for the cost of utilities (as published by MCHA) are as noted on page 3 of this letter.

New rates for 2012 were published in January 2012 by HUD.

2011/2012 Rent	Two Bedroom	Three Bedroom
50% (very low)	$656	$731
60% (low)	$807	$900

Maximum Household Income Limits for 2012.

Income Category	Two Person	Three Person	Four Person	Five Person	Six Person	Seven Person	Eight Person
50%	$27,700	$31,150	$34,600	$37,400	$40,150	$42,950	$45,700
60%	$33,240	$37,380	$41,520	$44,880	$48,180	$51,540	$54,840

Rental Increase Implementation & Lease Signing

Upon Fort Ord Reuse Authority approval of the budget, rental increase notices will be mailed out on or before September 30, 2012; the new rental rates will become effective on November 1, 2012. Rents for in-place residents at market or affordable are increased once per year. New residents will be required to sign lease terms of month to month or six months, but can be converted to a month-to-month lease upon expiration, per the December 28, 2011 Council directive. Current residents are also welcome to sign lease terms beyond their current month-to month agreement.

Occupancy

The budget assumes an average occupancy rate of 97.7% for the fiscal year. The proposed occupancy rate factor allows enough time to prepare units immediately after a resident vacates the community, as well as sufficient time to place qualified applicants. Based on the local and surrounding counties, the occupancy rate is well within the acceptable range. When a unit is vacated, Alliance strives to fill the vacant unit within 5 to 10 business days, working from the waiting list if applicable. The average economic vacancy loss during the 2011/2012 fiscal year was only 1.9%, approximately 1% more than the properties physical vacancy. This indicates that the average unit vacated was turned and reoccupied within one week from the previous resident's date of move-out.

The following highlights those categories of expenses with significant changes from the FY 2011-12 budget.

Expenses Account	Proposed 2013	Projected 2012	Variance	%	Comments
PAYROLL	$434,036	$410,059	($23,977)	-5.8%	Increase due to annual salary increases (5.8%) as well as the State of California's approval of a Workers' comp increase of 38%.
UTILITIES	$96,660	$93,075	($3,585)	-3.9%	Increase assumes a 3% rate increase obtained by utility companies.
MARKETING	$13,047	$7,883	($5,164)	-65.5%	Increase due to the addition of Property Solutions, a comprehensive on line system which combines the properties branded webpage with a rich Resident Portal, lead management system, marketing control program, and telephone training portal.
PROFESSIONAL SERVICES	$142,819	$130,924	($11,570)	-8.8%	Alliance management fee remains 2.5% per contract, but increased rent revenue would result in increase in management fees paid

					to Alliance. Variance primarily driven by allowance for bi-annual audit.
INSURANCE	$185,020	$174,426	($10,594)	-6.1%	Based on renewed insurance contract bound in December 2011.
AD-VALOREM TAXES	$103,104	$101,727	($1,377)	-1.4%	Increase based on estimated taxes per Accounting assumptions.
NON ROUTINE MAINTENANCE	$14,000	$17,623	$3,623	20.6%	Reduced number of anticipated door replacements in 2013 as is presently budgeted as a planned capital replacement item.

- **Note:** During the July FORA board meeting, the board took initial steps to approve the proposed budget without a rent increase to in place residents. An amended budget is available for the Board to review, which reflects the data under this scenario. Should the board elect not to implement the proposed 2012-2013 rent increase; the Preston Park Gross Market Potential will decrease by $85656 for the year. This decision has the potential to not only eliminate funds to assist in improving the condition of the structure, but may also negatively impact the potential value of the asset during a sale process. The impacted rental revenue (annualized during year 1 would be $92,866.80) equates to $1.54 millions dollars in value based on a 6% cap rate ($92,866 (added NOI / 6% (cap rate) = $1,547,780 in potential value). Please also note, that should the Board elect not to implement the rent increase, based on the adopted rental rate formula, this income will also not be recaptured or realized in future years. And so the impacted revenue loss will compound year over year.

Capital Reserves Fund

In accordance with the 2011 reevaluation of the Replacement Reserves Study conducted in April 2008, Alliance recommends a reserve withholding of at least $2,076 per unit during the 2012/2103 fiscal period. This withholding would ensure that the asset holds adequate reserves to perform necessary replacements and repairs to protect the useful life of the buildings.

Capital Improvement Program

The 10-Year CIP was updated with the review of the property's as built plans that were transferred from the offices of Mid-Peninsula Housing Coalition in November of 2010.

Forrest White, Director of Asset Engineering and Robert Gochee, Asset Engineering Project Manager at Alliance Residential are the managers of capital improvement projects at Preston Park.

- Please refer to attached Capital Improvement Plan (CIP) budget for details. Recommended expenditures have been listed in priority order with relevant benefits and costs identified.

Accomplishments

It has been a pleasure working with residents and the Fort Ord Reuse Authority over the past year. With the support of residents a number of positive changes have occurred within Preston Park.

Some of Alliance's accomplishments include:

1) Common Area Maintenance: Pet Waste Stations were installed at each playground and bus stop
2) Communication Tools: A monthly newsletter is personally delivered to every home once a month. Residents are encouraged to contribute to the newsletter. The newsletter provides information on community related events, good housekeeping rules for the community and safety tips.
3) Marina Police Department Coordination: Management staff and the Marina Police Department work closely in efforts to clean up the property, including vehicle abatement, parking on the grass, double parking, vehicles with expired tags, and abandoned vehicles.
4) Long Term Residents: We continuously strive to upgrade the units of our long term residents by painting, upgrading appliances, and replacing flooring.
5) 2011/2012 Capital Improvement Program: We are optimistic that the FORA Board will promptly execute the capital project management agreement approved in February which will enable the following enhancements at the property:
    i. Roof Repairs
    ii. Exterior Painting Project
    iii. Lighting Upgrades
    iv. Exterior Doors and Windows
6) Resident Events: Preston Park Management was pleased to host the following Resident events during the 2011/2012 fiscal year:
    i. Back to School Supply Giveaway
    ii. Halloween Trick or Treat Activity
    iii. December "Wrap It Up" Party
    iv. Movie and Popcorn Pass Give Aways
    v. Leap Year Celebration
    vi. SpEGGtacular Earth day Event
7) Service Request Responsiveness: The Preston Park Management Team strives to provide Residents with the best and highest service possible. In 2011/2012 more than 1,790 service requests have been processed to date. The average completion time for standard work order requests has been 2 business days or less.

Summary of Preston Park FY2012/2013 Budget

	2012/13 Budget	2011/12 Projected	Variance
Total Income	$5,379,777	$5,251,798	$140,951
Total Expense	$1,280,743	$1,227,473	($53,270)
Net Income	$3,917,946	$3,802,478	$115,468

We will continue to look for new ways to improve our services over the coming year and remain committed to meeting the objectives set by the Fort Ord Reuse Authority.

Please feel free to contact me should you have additional questions or concerns at (408) 396-8341. I look forward to receiving approval of the final budget prior to September 30, 2012, in order to implement rental increases by December 1, 2012.

Regards,

Corinne Carmody
Regional Manager

Cc: Jonathan Garcia, FOR A
Ivana Bednarik, FOR A
Robert Norris, FOR A
Jim Krohn, Chief Financial Officer, Alliance Communities, Inc.
Annette Thurman, Vice President of Operations, Alliance Communities, Inc.

2012/2013 Budget and Market Survey posted on FORA Website

Capital Improvement Plan (CIP)

DRAFT

PRESTON PARK - REVISED PHYSICAL NEEDS ASSESSMENT (9 Year Look Forward - Alliance Residential Recommendation) Updated: 5/10/2012

1410																			
Resident Business Center	FF&E	$	12,000																
Fence Slat Replacement	Replacement	$	71,064																
Site Lighting Repair / Replacement /Install	*Exterior site upgrades	$	285,849																
Roof	*Replacement	$	1,911,893																
Exterior Paint	*Full Paint	$	396,008											$	283,200				
Building Exterior	*Dryrot Repairs			$	2,000	$	2,000	$	2,000	$	2,000	$	2,000	$	75,000	$	2,000	$	2,000
Carbon Monoxide Detectors		$	38,080																
Exterior Unit Doors and Windows	*Replacement	$	1,557,000									$	2,500	$	2,500	$	2,500	$	2,500
Playgrounds	*Replacement					$	125,000												
Landscape/ Irrigation	*Replacement / Upgrades			$	204,864														
Leasing Office / Signage	*Upgrades			$	197,600														
1415																			
New Office Computers	Replace existing old computers	$	2,800									$	2,800						
1416																			
One Maintenance Truck	Needed for hauling etc...	$	14,000							$	15,000							$	15,000
1420																			
Seal Coat Streets		$	155,787									$	155,787						
1425																			
Dishwasher	replacement (assume 10 year life)	$	16,200	$	10,200	$	10,200	$	10,200	$	10,200	$	10,200	$	10,200	$	10,200	$	10,200
Refrigerators	replacement (assume 15 year life)	$	14,400	$	12,650	$	12,650	$	12,650	$	12,650	$	12,650	$	12,650	$	12,650	$	12,650
Range	replacement (assume 15 year life)	$	16,524	$	11,500	$	11,500	$	11,500	$	11,500	$	11,500	$	11,500	$	11,500	$	11,500
Garbage Disposal	replacement (assume 10 year life)	$	2,345	$	2,345	$	2,345	$	2,345	$	2,345	$	2,345	$	2,345	$	2,345	$	2,345
Hot Water Heaters	replacement (assume 15 year life)	$	16,200	$	17,250	$	17,250	$	17,250	$	17,250	$	17,250	$	17,250	$	17,250	$	17,250
Carpet	replacement (assume 5 year life)	$	38,400	$	113,600	$	113,600	$	113,600	$	113,600	$	113,600	$	113,600	$	113,600	$	113,600
Vinyl	replacement (assume 10 year life)	$	66,900	$	19,250	$	19,250	$	19,250	$	19,250	$	19,250	$	19,250	$	19,250	$	19,250
HVAC Furnace	replacement (assume 20 year life)	$	26,400	$	15,300	$	15,300	$	15,300	$	15,300	$	15,300	$	15,300	$	15,300	$	15,300
1430				$	-	$	-	$	-	$	-	$	2,500	$	285,700	$	2,500	$	2,500
Applicable Contraction Management Expenses	Miscellaneous (see "Items)	$	211,965	$	18,748	$	7,500	$	-	$	-	$	-	$	21,482	$	150	$	150
Annual Reserve Expenses (unfiltered)		$	4,223,995	$	535,307	$	336,595	$	204,095	$	219,095	$	367,482	$	869,987	$	209,243	$	224,345
Inflation Factor			0.00%		2.50%		2.50%		2.50%		2.50%		2.50%		2.50%		2.50%		2.50%
Annual Reserve Expenses (inflated)		$	4,223,995	$	548,690	$	345,010	$	209,197	$	224,572	$	376,669	$	891,737	$	214,476	$	229,951
Reserve Withholdings per Year		$	734,976	$	734,976	$	285,200	$	283,200	$	283,200	$	283,200	$	283,200	$	283,200	$	283,200
Reserve Fund BEFORE Expense		$	4,667,095	$	1,198,016	$	932,626	$	870,717	$	944,719	$	1,003,247	$	909,678	$	301,341	$	370,065
Reserve Fund AFTER Expense		$	463,040	$	649,326	$	587,617	$	661,519	$	720,147	$	626,578	$	18,141	$	86,865	$	140,214

3%INCREASE

PRESTON PARK
2013 STANDARD BUDGET
CONSOLIDATION & SIGN-OFF

ALLIANCE RESIDENTIAL COMPANY

Description	2013 Total	2012 Projected	Variance	Variance %
Physical Occupancy	98.01 %	99 01 %		
Economic Occupancy	99 04 %	96 70 %		
Gross Market Potential	$5,387,572	$5,386,452	$1,120	0 0%
Market Gain/Loss to Lease	$118,994	($87,610)	$206,603	235.8%
Affordable Housing	$0	$0	$0	0 0%
Non-Revenue Apartments	($62,602)	($37,260)	($25,342)	-68 0%
Rental Concessions	$0	$0	$0	0.0%
Delinquent Rent	$0	$0	$0	0 0%
Vacancy Loss	($107,139)	($52,696)	($54,443)	-103 3%
Prepaid/Previous Paid Rent	$0	$0	$0	0 0%
Other Months' Rent/Delinquency Recovery	$0	$493	($493)	-100.0%
Bad Debt Expense	($924)	($583)	($340)	-58 4%
Other Resident Income	$36,244	$36,094	$150	0 4%
Miscellaneous Income	$7,632	$6,909	$723	10 5%
Corp Apartment Income	$0	$0	$0	0.0%
Retail Income	$0	$0	$0	0 0%
TOTAL INCOME	**$5,379,777**	**$5,251,798**	**$127,979**	**2.4%**
PAYROLL	$434,036	$410,059	($23,977)	-5.8%
LANDSCAPING	$70,700	$70,865	$165	0 2%
UTILITIES	$96,660	$93,075	($3,585)	-3 9%
REDECORATING	$81,744	$82,160	$416	0 5%
MAINTENANCE	$82,332	$81,542	($790)	-1 0%
MARKETING	$13,047	$7,883	($5,164)	-65 5%
ADMINISTRATIVE	$57,606	$57,189	($417)	-0 7%
RETAIL EXPENSE	$0	$0	$0	0.0%
PROFESSIONAL SERVICES	$142,494	$130,924	($11,570)	-8 8%
INSURANCE	$185,020	$174,426	($10,594)	-6 1%
AD-VALOREM TAXES	$103,104	$101,727	($1,377)	-1 4%
NON ROUTINE MAINTENANCE	$14,000	$17,623	$3,623	20.6%
TOTAL OPERATING EXP	**$1,280,743**	**$1,227,473**	**($53,270)**	**-4.3%**
NET OPERATING INCOME	**$4,099,034**	**$4,024,326**	**$74,708**	**1.9%**
DEBT SERVICE	$0	$0	$0	0.0%
DEPRECIATION	$173,088	$215,698	$42,610	19 8%
AMORTIZATION	$0	$0	$0	0 0%
PARTNERSHIP	$8,000	$6,150	($1,850)	-30 1%
EXTRAORDINARY COST	$0	$0	$0	0 0%
NET INCOME	**$3,917,946**	**$3,802,478**	**$115,468**	**3.0%**
CAPITAL EXPENDITURES	$4,223,995	$191,785	($4,032,210)	-2102 5%
MORTGAGE PRINCIPAL	$0	$0	$0	0 0%
TAX ESCROW	$0	$0	$0	0.0%
INSURANCE ESCROW	$0	$0	$0	0 0%
INTEREST ESCROW	$0	$0	$0	0 0%
REPLACEMENT RESERVE	$734,976	$734,976	$0	0 0%
REPLACEMENT RESERVE REIMBURSEM	($4,223,995)	($203,682)	$4,020,313	1973 8%
WIP	$0	$0	$0	0 0%
OWNER DISTRIBUTIONS	$3,356,058	$3,295,097	($60,961)	-1.9%
DEPRECIATION AND AMORTIZATION	($173,088)	($215,698)	($42,610)	-19 8%
NET CASH FLOW	**$0**	**$0**	**($0)**	**-25.4%**

Approvals

Owner — Date

Asset Manager — Date

COO — Date

VP — Date

Regional Manager — Date

Business Manager — Date

Alliance Residential, LLC makes no guarantee, warranty or representation whatsoever in connection with the accuracy of this Operating Budget as it is intended as a good faith estimate only.

NO RENT INCREASE

PRESTON PARK
2013 STANDARD BUDGET
CONSOLIDATION & SIGN-OFF

ALLIANCE RESIDENTIAL COMPANY

Description	2013 Total	2012 Projected	Variance	Variance %
Physical Occupancy	98.01 %	99 01 %		
Economic Occupancy	99 77 %	96.70 %		
Gross Market Potential	$5,312,868	$5,386,452	($73,584)	-1.4%
Market Gain/Loss to Lease	$156,002	($87,610)	$243,611	278 1%
Affordable Housing	$0	$0	$0	0 0%
Non-Revenue Apartments	($61,524)	($37,260)	($24,264)	-65 1%
Rental Concessions	$0	$0	$0	0.0%
Delinquent Rent	$0	$0	$0	0.0%
Vacancy Loss	($105,654)	($52,696)	($52,957)	-100.5%
Prepaid/Previous Paid Rent	$0	$0	$0	0.0%
Other Months' Rent/Delinquency Recovery	$0	$493	($493)	-100 0%
Bad Debt Expense	($916)	($583)	($332)	-57 0%
Other Resident Income	$36,244	$36,094	$150	0.4%
Miscellaneous Income	$7,632	$6,909	$723	10 5%
Corp Apartment Income	$0	$0	$0	0.0%
Retail Income	$0	$0	$0	0 0%
TOTAL INCOME	**$5,344,653**	**$5,251,798**	**$92,854**	**1.8%**
PAYROLL	$434,036	$410,059	($23,977)	-5 8%
LANDSCAPING	$70,700	$70,865	$165	0 2%
UTILITIES	$96,660	$93,075	($3,585)	-3.9%
REDECORATING	$81,744	$82,160	$416	0 5%
MAINTENANCE	$82,332	$81,542	($790)	-1 0%
MARKETING	$13,047	$7,883	($5,164)	-65.5%
ADMINISTRATIVE	$57,606	$57,189	($417)	-0 7%
RETAIL EXPENSE	$0	$0	$0	0 0%
PROFESSIONAL SERVICES	$141,616	$130,924	($10,692)	-8 2%
INSURANCE	$185,020	$174,426	($10,594)	-6 1%
AD-VALOREM TAXES	$103,104	$101,727	($1,377)	-1.4%
NON ROUTINE MAINTENANCE	$14,000	$17,623	$3,623	20 6%
TOTAL OPERATING EXP	**$1,279,865**	**$1,227,473**	**($52,392)**	**-4.3%**
NET OPERATING INCOME	**$4,064,788**	**$4,024,326**	**$40,462**	**1.0%**
DEBT SERVICE	$0	$0	$0	0 0%
DEPRECIATION	$173,088	$215,698	$42,610	19.8%
AMORTIZATION	$0	$0	$0	0 0%
PARTNERSHIP	$8,000	$6,150	($1,850)	-30 1%
EXTRAORDINARY COST	$0	$0	$0	0 0%
NET INCOME	**$3,883,700**	**$3,802,478**	**$81,222**	**2.1%**
CAPITAL EXPENDITURES	$4,223,995	$191,785	($4,032,210)	-2102.5%
MORTGAGE PRINCIPAL	$0	$0	$0	0.0%
TAX ESCROW	$0	$0	$0	0 0%
INSURANCE ESCROW	$0	$0	$0	0 0%
INTEREST ESCROW	$0	$0	$0	0 0%
REPLACEMENT RESERVE	$734,976	$734,976	$0	0.0%
REPLACEMENT RESERVE REIMBURSEM	($4,223,995)	($203,682)	$4,020,313	1973 8%
WIP	$0	$0	$0	0.0%
OWNER DISTRIBUTIONS	$3,321,812	$3,295,097	($26,715)	-0.8%
DEPRECIATION AND AMORTIZATION	($173,088)	($215,698)	($42,610)	-19 8%
NET CASH FLOW	**($0)**	**$0**	**($0)**	**-192.5%**

Approvals

Owner	Date
Asset Manager	Date
COO	Date
VP	Date
Regional Manager	Date
Business Manager	Date

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RETURN TO AGENDA

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject:	Base Reuse Plan Reassessment – Overview and Update on Reassessment Process; Receipt of Final Scoping Report	
Meeting Date:	October 12, 2012	**ACTION**
Agenda Number:	8b	

RECOMMENDATION(S):

1. Receive an overview and update regarding the Base Reuse Plan (BRP) reassessment process *(Note: The draft reassessment document will be circulated on October 17, 2012)*; and
2. Receive a final Scoping Report *(see "contents" description, below)*, as adjusted to reflect comments received on the August 15, 2012 draft, circulated as part of the reassessment process.

BACKGROUND/DISCUSSION

Process overview/update: At the October 12 meeting, members of EMC Planning Group will present a general overview of the next phase of the reassessment process and receive Board direction and public input on "post-reassessment" public policy action items. The following is a brief summary of the key remaining steps in the reassessment timeline.

- Wed., Oct. 17: Circulate public draft Reassessment Document for public review and comment
- Tues., Oct. 30: Public workshop (special Board meeting) to discuss draft Reassessment Document and policy subject areas and options
- Fri., Nov. 16: Public hearing for Board action on Reassessment Document
- Fri., Dec. 14: Final public hearing for Board action on Reassessment Document
- Tues., Jan 1, 2013: Reassessment process must be completed to comply with terms of the Sierra Club settlement agreement
- 2013: Commence work on any policy action items, including potential work plans and modifications to the Base Reuse Plan, resulting from the reassessment process

September 14 Board meeting: The Board's formal receipt of the final scoping report was agendized for September 14, 2012, but was deferred due to extended discussion of previous items on the agenda. The scoping report represents the culmination of the information-gathering phase of the reassessment process. The original draft document included three main components.

- A discussion of public input obtained in the community workshops and through written correspondence (the full text of comments received is attached as an appendix);
- A market/economic report analyzing regional trends, forecasts, opportunities, and constraints; and
- A detailed status report describing progress of implementation of the BRP.

Scoping Report contents: The final scoping report, as revised subsequent to the September 14 Board meeting, now comprises:

1. The draft scoping report circulated on Wed., August 15, 2012, as supplemented through Friday, August 24 to include Appendix D-2.1 (additional timely e-mailed comments): www.fora.org/BRPScopingReport.html;
2. An updated Addendum**,** available on FORA's web site http://www.fora.org/addendum.html and incorporating the following components **(**see **Attachment A)**:
    a. An "errata" of corrections and clarifications identified through public review and comment on the draft, now revised to address all comments received through October 1, 2012;
    b. Full text of comments received through October 1, 2012;
    c. A transcript of the August 29, 2012 Board workshop for the scoping report (see footnote 1, above);

d. The following additional materials responding to the scoping report, and received by FORA staff subsequent to circulation of the Board packet for September 14:

   i. Materials compiled and handed out to board members at the September 14 meeting **(Attachment B)**, which included an additional errata sheet by EMC Planning Group (now integrated into item #2, above), along with written comments from Fort Ord Environmental Justice Network, Jim Hendrick, Transportation Agency for Monterey County, City of Seaside, and City of Marina; and

   ii. Additional written comments **(Attachment C)** from Douglas Garrison/MPC (9/17/2012), Law Offices of Michael Stamp (9/17/2012 and 9/14/2012), and Supervisor Jane Parker (9/17/2012).

The final scoping report will be "republished," to fully integrate components #1-2 above, prior to completion of the reassessment process.

Purpose of Scoping Report and Addendum: The Scoping Report is the work product for the information-gathering phase of the reassessment process. It is a compilation and summary of the received public input, status of reuse implementation, and an analysis of economic conditions and projections. It is intended to be factual and "reporting"-oriented in nature, as opposed to recommending policy positions or priorities for going forward. Identifying the key policy subject areas and an initial range of potential options for the Board's consideration in addressing those topics is the objective of the next phase in the process (Reassessment Document).

Accordingly, the purpose of the addendum to the Scoping Report was to correct errors of fact, omissions, oversights, and editorial errors within the original report. Many germane and compelling policy suggestions were presented in comments submitted in response to the draft scoping report, as well as in the information-gathering leading up to release of the draft. All input received on the scoping report will be taken into consideration, and in many cases is instrumental to shaping the policy options that will appear in the draft Reassessment Document.

The intended distinction between the Scoping Report (facts/information-gathering) and the Reassessment Document (policy options and priorities) may have been less apparent with regard to the economic analysis component of the scoping report. In their study, Economic and Planning Systems (EPS) consultants provide their analysis on what would constitute a wise strategy for adapting to current and projected economic conditions. The recommendation-oriented aspects of the EPS study should be viewed as specialized expert opinion, a part of the scoping process, as opposed to a policy position that is currently being recommended to the Board as a result "of" the scoping process. The suggestions voiced by EPS in their study will be woven into the analysis and discussion of policy options in the public draft Reassessment Document, in conjunction with many other considerations and sources of input.

Specific subject areas: In her September 17 comments (included in the revised Addendum and Attachment C), Supervisor Parker referenced the Scoping Report's discussion of several key policy subjects, including per-jurisdiction water availability, need for an updated regional transportation study, and restrictions on future residential land uses in the Parker Flats area. Each of these topics will be addressed in the upcoming draft Reassessment Document, and is presented in overview form below.

1. **Water allocations and availability, by jurisdiction:** This issue was most recently analyzed in the context of Exhibit W-5 to Ord Community Water/Wastewater Systems Proposed Compensation Plan," dated 9/6/2012 and presented to the FORA Board on 9/14/2012 **(Attachment D).** This analysis will be referenced in the draft Reassessment Document, and folded into corresponding post-reassessment action items for Board consideration in 2013 and beyond. This issue should also be considered for inclusion in future BRP "resource status" informational updates.
2. **Need for an updated transportation study:** The BRP's Circulation Element establishes a plan for a transportation system designed to meet the needs of the former Fort Ord and adjacent areas at build-out of the BRP. The transportation system is planned for phased implementation to accommodate needs as redevelopment progresses. The Circulation Element was initially based on the findings of the *Fort Ord Regional Transportation Study* (TAMC May 1997). The *FORA Fee Reallocation Study*

(TAMC April 2005) was prepared to update regional transportation needs and development impact fees. In their letter on the Scoping Report, TAMC recommended a new update. The prior update was prepared seven years after the original study, and another seven years has transpired since that update. A new update would utilize the current population projections and traffic forecasts, and provide new information on the transportation needs for the former Fort Ord over the near-term and long-term periods. Information from an updated study would be useful in preparing the future CIP updates, and in determining what regional transportation demands and improvements are necessary to accommodate traffic movements in and through the former Fort Ord. Coordination with TAMC to prepare a traffic needs assessment update, followed by potential revisions to the BRP circulation network maps if modifications are necessary, would be one of the potential post-reassessment action items for Board consideration.

3. **Residential uses in Parker Flats:** The purpose of the Parker Flats-East Garrison land swap was to end a conflict between three groups (MPC, an artists' live/work project, and equestrians) with competing claims on County lands in East Garrison. FORA proposed "swapping" the housing/hotel project Monterey County had intended for Parker Flats to East Garrison, with the MPC Public Safety Training and Equestrian Center/Horse Park moving to discrete sites at Parker Flats. To achieve the swap, regulatory approval was required for adjustment to habitat lands, resulting in a wildlife biologist (Zander) being hired to prepare a report. The report proposed the swap and addition of roughly 73 acres of preserved oak woodland (the Oak oval) as mitigation, which was approved by U.S. Fish and Wildlife Service. Previously existing development designations on development parcels remained in place, with the exception of the now-protected Oak Oval. For purposes of munitions cleanup on the sites, the status also remained the same, with restrictions on residential and other sensitive uses until completion of munitions cleanup, not in perpetuity. The end result of the swap was to leave the resource-constrained BRP's residential caps and water use restrictions in place, while increasing oak woodlands-oriented open space by approximately 73 acres. Potential modifications to the existing land use designations for parcels in the Parker Flats area will be included in the draft Reassessment document for Board consideration as a potential post-reassessment action item for 2013 or beyond.

Additional comments (item 4) in Supervisor Parker's letter related to the "jobs follow housing" model discussed in the Scoping Report's market study by EPS. To clarify, the model does not envision a large, unbalanced addition of new housing, with jobs to follow later, but rather, alternating incremental increases in housing and jobs, with the potential that some new housing in the area could be temporarily "out-commute"-oriented until a critical mass of workers catalyze appropriate job development nearer by. Regarding item 5, the Master Resolution consistency direction is quoted in full in the original Scoping Report (page 4-170, http://www.fora.org/Reports/ScopingReport/sec4.pdf). Regarding item 6, the Reassessment Document will include a section dedicated to detailed discussion of FORA procedures, BRP program implementation, and potential procedural modifications for Board consideration.

FISCAL IMPACT:
Reviewed by FORA Controller ___

Staff/consultant time and costs associated with producing the Scoping Report and the Reassessment Document were included in the FY11-12 and 12-13 budgets for the reassessment.

COORDINATION: Administrative Committee, Executive Committee.

Prepared by _____ Reviewed by _____
Darren McBain Steve Endsley

Approved by _____
Michael A. Houlemard, Jr.

Scoping Report Addendum & Errata

The full text of the revised Addendum to the Scoping Report is available on FORA's web site: http://www.fora.org/addendum.html Please note that the updated version includes comments received by FORA through October 1, 2012, and supersedes earlier versions previously available on the web site.

Section 3.0 ("Scoping Report Errata"), within the revised Addendum, is an approximately 35-page discussion of revised factual corrections and clarifications to the original text and figures in the draft Scoping Report.

Item 7e, Base Reuse Plan Reassessment – Scoping Report

Attachment to the Final Scoping Report:

1) EMC Planning Group, Additions to the Scoping Report Errata, 9/14/12: 5 pages
2) Fort Ord Environmental Justice Network comments, 9/10/12, 12 pages
3) Jim Hendrick comments, 9/13/12, 1 page
4) TAMC comments, 9/14/12, 3 pages
5) City of Seaside comments, 9/14/12, 1 page
6) City of Marina, 9/14/12, 5 pages

ADDITIONS TO THE SCOPING REPORT ERRATA 9/14/12

The following items are added to the Fort Ord Reuse Plan Reassessment Scoping Report errata:

ADDITIONAL CHANGES TO THE TABLE OF CONTENTS

No additions.

ADDITIONAL CHANGES TO CHAPTER 1.0

FORA's role is further described on Page 1-8, as follows:

In terms of land use and development, FORA's land use role is limited to overall guidance and planning (the BRP) and determinations of city and county plan or project consistency with the BRP. FORA does not directly control land use approvals. Land use approval authority is reserved by the following jurisdictions with territory within former Fort Ord: County of Monterey, City of Marina, City of Seaside, City of Monterey, City of Del Rey Oaks, University of California, California State University, Monterey Peninsula College, Monterey Peninsula Unified School District, State Department of Parks and Recreation, State Department of Transportation, Bureau of Land Management, and U.S. Army. The state and federal jurisdictions are completely independent of FORA land use oversight. FORA may serve as a lead agency or responsible agency for purposes of review under the California Environmental Quality Act.

The table that is part of Figure 2 Authority for Land Use Approvals, is revised for consistency with Table 2 on Page 1-11. The revised figure is presented at the end of this section.

ADDITIONAL CHANGES TO CHAPTER 2.0

Page 2-9 is corrected to clarify FORA's role on projects.

Project-specific public comments on projects not yet approved by the local jurisdictions are best directed to the relevant local jurisdiction, as the FORA Board does not have discretionary authority to review or approve entitlements for such projects. The exception is the Eastside Parkway project, which is a potential future component of the BRP capital improvements program with implementation managed by FORA.

ADDITIONAL CHANGES TO CHAPTER 3.0

Note relating to Page 3-6: Further discussion of the jobs-housing balance will be included in the Reassessment Report.

ADDITIONAL CHANGES TO CHAPTER 4.0

The table of contents is revised to remove redundant listings.

A clarification is added to Page 4-41, as follows:

Program C-1.2: The County of Monterey shall designate land uses for the following park locations and acreages: • Neighborhood Park in Eucalyptus Road Residential Planning Area (Polygon 19a): 10 acres. • A minimum of 200 acres in permanent open space within the Eucalyptus	County	Complete ■/ Ongoing ▲	HMP revisions were made to these areas in the East Garrison/Parker Flats Land Swap Agreement. The LSA was determined to be consistent with the BRP on 1/12/06 as part of the East Garrison Project. Open space will be provided within Eucalyptus Road area on a portion of the land under the control of Monterey Peninsula College. No development plans are approved for Polygon 19a.

Road residential planning area.			FORA Consistency Determinations with County General Plan & zoning code: 1/18/02, 1/12/06. 2010 General Plan/Fort Ord Master Plan consistency determination pending. See also City of Marina notes, below, regarding the Community Park site (Polygon 17A).

A clarification is added to Page 4-52 as follows:

Program A-1.4: The County of Monterey shall minimize the impacts of proposed land uses which may be incompatible with public lands, such as major roadways near residential or university areas, location of the York School expansion area adjacent to the habitat management area, and siting of the Monterey Peninsula College's Military Operations Urban Terrain (MOUT) law enforcement training program in the BLM Management/Recreation Planning Area.	County	Incomplete●	The County has not <u>yet had the opportunity to</u> take~~n~~ actions to minimize potential impacts resulting from major roadways or the MPC MOUT facility. <u>FORA, the County, MPC and BLM have entered into an agreement that addresses coordination between MPC and BLM.</u> The York School expansion was completed; most of the additional land is open space used for field study.

Note relating to Page 4-170: The issue of FORA's consistency determination process and effects of consistency determinations on the FORA Land Use Concept map or other aspects of the BRP will be further discussed in the Reassessment Report.

For purposes of clarification, changes are made to Page 4-177, as follows:

A key aspect of consistency determinations is consistency with FORA's Development Resource Management Plan, which was adopted along with the BRP, and delineates constraints on redevelopment/replacement activities to the resources described in the BRP. To be consistent, a plan must meet the eight criteria included in Master Resolution Chapter 8 and fall within the BRP and Development Resource Management Plan limitations on housing units and water supply. If these ~~two~~ constraints are met, then positioning of land uses can be considered flexible provided cumulative effects on the BRP are unchanged. In making consistency determinations, FORA staff requests information from jurisdictions (such as projected water use assessment, traffic impact studies, etc.) to demonstrate that cumulative effects will be unchanged.

Page 4-197 is revised to correct information on the regional transportation network, as follows:

Through the Regional Transportation Plan, TAMC designates a County-wide regional roadway network, which includes four routes that pass through or adjoin the former Fort Ord: State Route 1, State Route 68, Imjin Parkway, Reservation Road, and Blanco Road. The Regional Transportation Plan also sets priorities for road, transit, bicycle, pedestrian, and transportation management projects and programs. FORA collects a development impact fee that funds transportation projects in and near the former Fort Ord. TAMC updated the nexus study in 2005 and the current Regional Transportation Plan allocates FORA development impact fees based on that study. FORA maintains a capital improvement program that is correlated with the Regional Transportation Plan. FORA constructs and/or funds transportation improvements within the former Fort Ord and funds a share of other transportation improvements both within and outside of the former Fort Ord. The BRP has general policies regarding the roadway network, public transit, transportation demand management, and bicycle facilities.

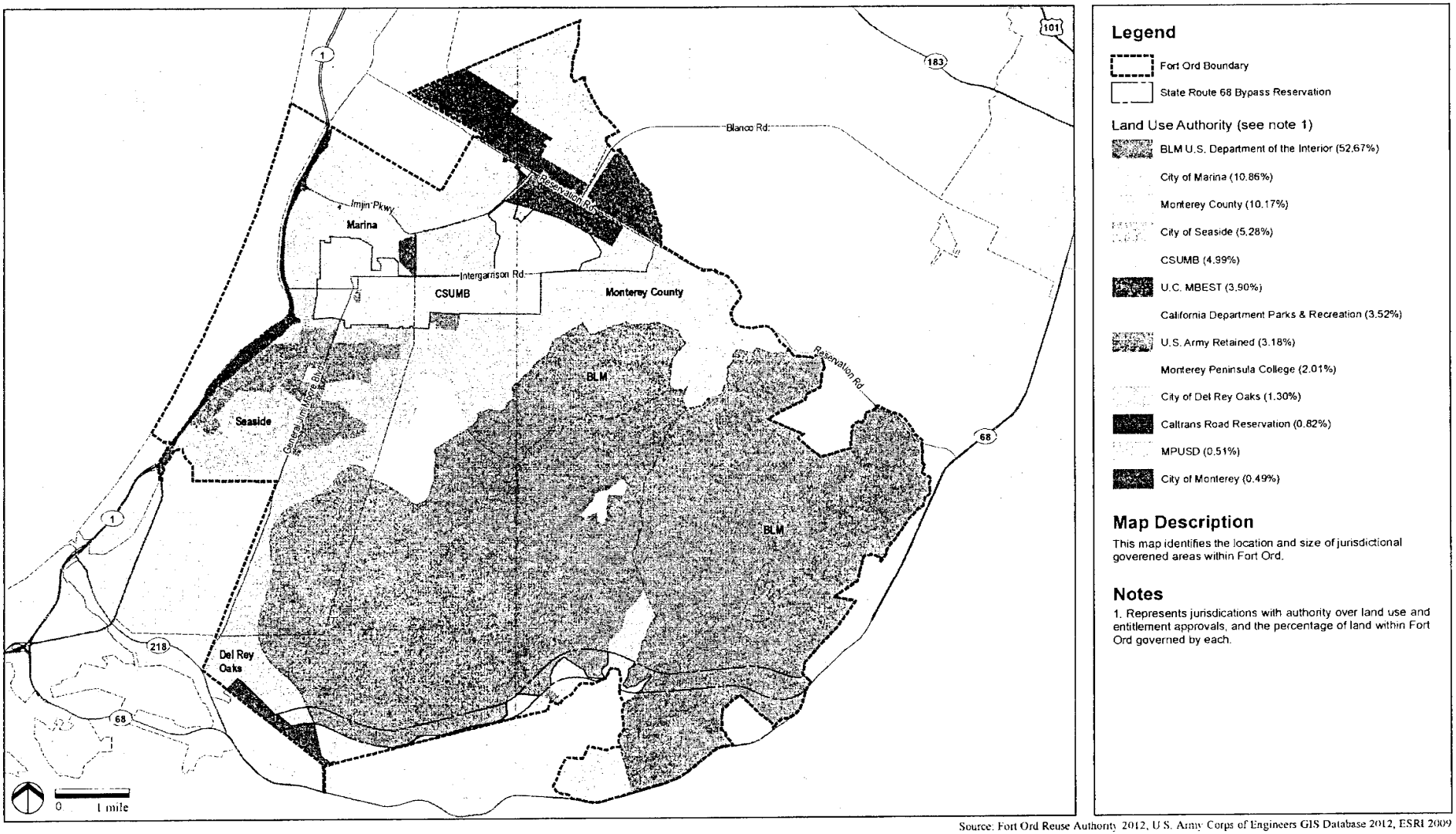
Additional information on the 6,600 acre-foot water supply allocation from the Salinas Valley Groundwater Basin is added on Page 4-229.

On September 21, 1993, the Monterey County Water Resources Agency and U.S. Army entered into a memorandum of agreement in regard to annexation of Fort Ord into MCWRA Zone 2 and the amount of allowable annual groundwater withdrawals from the Salinas Valley Groundwater Basin. Under the agreement, annual withdrawals up to 6,600 acre-feet are allowed until such time a project to replace such withdrawals is completed.

Note relating to Page 4-249: Land use adjacent to CSUMB will be further discussed in the Reassessment Report.

Note relating to Page 4-253: Protection of endemic plant protection areas will be further discussed in the Reassessment Report.

Note relating to Page 4-258: Land use adjacent to the National Monument will be further discussed in the Reassessment Report.



Source: Fort Ord Reuse Authority 2012, U.S. Army Corps of Engineers GIS Database 2012, ESRI 2009

Figure 2

Authority for Land Use Approvals

FORT ORD REUSE AUTHORITY

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

FORT ORD REUSE PLAN REASSESSMENT

COMMENT FORM

SCOPING REPORT

FORA welcomes public input on the Scoping Report, as it relates to the 1997 Fort Ord Base Reuse Plan reassessment process. The 1997 Base Reuse Plan was created as a 40-60 year plan. The overall goal of the reassessment process is to explore whether objectives and policies in the Base Reuse Plan should be updated to better address current conditions and meet the community's future needs. A Reassessment Report will be prepared for this purpose. The Reassessment Report will include a range of options that the FORA Board of Directors may wish to consider for possible future action related to the Base Reuse Plan.

The Scoping Report includes a summary of information collected about the implementation of the Base Reuse Plan since it was approved 15 years ago. The Scoping Report also includes an analysis of current and future economic and market conditions and trends. The Scoping Report will be used as a basis for identifying possible options for consideration that may be included in the Reassessment Report for future consideration or action by the FORA Board.

Comments submitted by 5:00 PM on September 4, 2012, will be included in the Final Scoping Report scheduled for release on September 7, 2012. Comments received after this deadline will be accepted but will not be included in the Final Scoping Report document and may not be included in the Board packet for the FORA Board meeting on September 14, at which the Board will consider accepting the Scoping Report. Comments can also be presented on September 14 at the FORA Board meeting, but those comments will not be included in the Final Scoping Report document.

Commenter Name: LeVonne Stone

Address (Optional): Fort Ord Environmental Justice Network

Email (Optional): _____

FORA cannot directly respond to each and every comment that is submitted; however, all comments will be reviewed.

Comments can be submitted to FORA by email: plan@fora.org; FAX: 831-883-3675; or mail to: FORA, 920 2nd Avenue, Suite A, Marina CA 93933. For more information about FORA or the Base Reuse Plan, visit the FORA website at www.fora.org or contact Darren McBain at FORA, (831) 883-3672.

Space for written comments is provided on the reverse side.

PLEASE SUBMIT COMMENTS BY 5:00 PM SEPTEMBER 4, 2012

COMMENTS

Submitted 10 written letters from:

- Melantha Jamieson
- A. Hynes
- Pastor Williams
- Yolanda Triutt
- Judith Wall McCaskill
- Sandra Dixon
- Sierra Dixon
- Macheel Roper
- Nick Washington
- Henrai Harriston

Received by: Lena Spilman

Lena Spilman

If additional space is needed, please attach additional sheets.

Comments can be submitted to FORA by email: plan@fora.org; FAX: (831) 883-3675; or mail to: FORA, 920 2nd Avenue, Suite A, Marina CA 93933. For more information about FORA, the Base Reuse Plan, or the workshops, visit the FORA website at www.fora.org or contact Darren McBain at FORA, (831) 883-3672.

Si tiene preguntas o necesita informacion o traduccion en espanol, favor de llamar a Jonathan Garcia o Darren McBain al 831-883-3672.

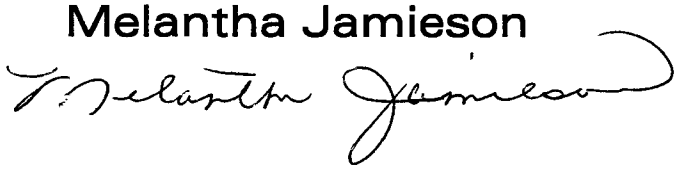
9/6/12

To Whom It May Concern:

I Melantha Jamieson, Monterey County for 26 years. Currently I'm disabled, due to a work related injury in 2006 as well as being homeless, and without health or dental insurance. In 1996 when talk of the Fort Ord closure came about. I contacted Congressman Sam Farr asking about the abandoned housing on the former Fort Ord. I also brought to his attention that with all the available housing with the closure of the base, it was no reason why our homeless population should have been homeless. At that time Sam Farr informed me that after everything was said and done about the division of the land on the base that a certain amount of the land would be used to house the homeless. Here it is 16 years later and still nothing have happened to make Sam Farr's statement about taking care of the homeless true. I as well as many Monterey County residents have been negatively impact and we continue to been. The Constitution saids " That we the people our the government" somehow

I don't think that the people being the government would have voluntarily become homeless or jobless without the assistance of a failing economy. Monterey County is in desperate need of affordable housing, as well as business development to ensure future jobs for its unemployed residents, not more golf courses or state prisons.

Sincerely,
Melantha Jamieson



September 04, 2012

To Whom It May Concern:

I have been a resident here for the past 14 years and I have not seen any specific improvements for the community. We need job training and development for the local minorities that live here. We need affordable housing where you do not need to have three or four jobs to afford to live in a box but still cannot afford to eat or do anything else.

We need health assessments for communities living around or have lived around the Fort Ord Area. We need to have some say in what or who comes into the community meaning contractor or entities that hire people to come in therefore leaving local people needing job without any options.

The main reasons for not hiring is that they are not qualified. Note: Job training will eliminate the need for them not being qualified. We need to have jobs available for our children. This whole process needs to be looked at and done right and done with every disclosure to the public.

In Hopes of Recovery,

A. Hynes

Pastor C. Williams
Seaside, CA. 93955

September 04, 2012

I am a long time resident of the Monterey peninsula since 1969. At that time there was no Freeway, no commercial construction, therefore our community was very healthy in our bodies and economically. My husband was a active duty, healthy soldier along with many other soldiers who were stationed at the Fort Ord Army Military facility.

Since that time, many of our solider friends have gotten extremely ill, after being exposed to the training chemicals related to training at Fort Ord , including the burning and smoke. Especially the outbreak of Meningitis, where many soldiers died and was hospitalized, including Hunter Liggett.

Our communities have been highly affected by the Chemicals spread on the ground and coming out of the planes. The bullets that also burn and any other chemicals, causing severe respiratory illness and also deaths in our community. We have gently asked for help for the people who were affected and who are still being affected. Even though it seems as though our cries have fallen on deaf ears, but once again we solicit your help.

Even though it is too late for some of my friends, their families still wait eagerly for the restoration of a once healthy environment and economy. To once again be able to breathe fresh air and to enjoy a healthy community with the creation of new businesses and good jobs for local families, who were so greatly devastated. We lost many families and their businesses with the impact to the economy with the downsizing after the closure of Fort Ord. I attended some meetings at the request of the fort Ord Environmental Justice Network, but our concerns were not given much thought by those in position to help us.

Sincerely,

C. Williams

Pastor C. Williams

September 8, 2012

To Whom It May Concern:

I am an African American resident in Seaside, CA. Since the closing of the Military base we have been fighting ways to improve our living standards. There are few to none employment opportunities, affordable housing, and our utilities are extremely costly. These are all issues that we were promised would be addressed. To this date we are still struggling.

With the exception of the Fort Ord Environmental Justice Network, who works very hard to include us, we feel that we our needs are being disregarded and we are being ignored. We would like to see our elected officials and FORA take more action concerning these matters. We would also like to be included in the decision making process.

Salinas, CA.
Yolanda Truitt

September 9, 2012
102 W. Rossi Street
Salinas, CA 93901

To Whom It May Concern:

I'm a concerned resident of Monterey County. It's been brought to my attention the future plans to re-develop the Fort Ord area. We need new businesses, expand current businesses, new jobs, community programs, etc. in the Fort Ord area. Many people are counting on the re-vitalization efforts. Numerous hours of planning will produce, tremendously remarkable benefits for the community.

Please move forward with restoring the Fort Ord area for the community.

Sincerely,

Judith W. McCaskill

Judith Wall McCaskill

September 8,2012

To Whom It May Concern,

I am concerned about the Community Resuse Program. My understanding is that this program is designed for the COMMUNITY. As a citizen of the community I would like to have access to affordable housing, job training, and better healthcare.

What is the use of having a Community Resuse Program if the COMMUNITY is not benefitting?

The Fort Ord Environmental Justice Network has been advocating for our community for well over 20 years and yet "you people" aren't listening. I support the FOEJN.

Sincerely,

Sandra Dixon

September 7, 2012

Dear Sir or Madam:

When I graduate from high school next year, I would like to be able to have access to job training or other opportunities that will help me be a productive citizen.

I am a 18 year old female with goals in life. I want to stay here on the peninsula and I need to have affordable housing, access to good healthcare.

A lot of the community that I grew up has left because there is nothing here for us. I am still hoping for this to change, right now.

Please consider these requests from a concerned citizen.

Sierra Dixon

Sincerely,
Sierra Dixon

September 6, 2012

To Whom It May Concern:

As a single – widowed parent of a 17 year old and a 11 year old, I need access to affordable housing and healthcare. These have been my major issues since moving to the Monterey Peninsula 10 years ago.

I lived in the CSUMB community during the burns is 2008. At that time I became involved with the Fort Ord Environmental Justice Network because they were the only organization speaking out against the negative affects of those burns and the lack of care for families who could get decent wage jobs.

We had a beautiful community AND we need more job training, affordable housing for low income and resources that will help maintain our community.

We are tired of all of the hype and promises

Best Regards,
Macheel Roper
Marina, CA. 93933

September 7, 2012

I am a young Hispanic/African American male that was born in Seaside. My family has lived and worked in this community for over 20 years. Now that I am graduating from high school, I would like to give back to the community too.

I would like to have access to job training so that I can learn a trade and make a decent living. Seaside and the surrounding areas needs affordable housing and decent jobs.

I am writing this letter in support of the Fort Ord Environmental Justice Network's ambition to achieve a healthier Monterey Peninsula.

Sincerely,
Nick Washington

September 8, 2012

To Whom It May Concern,

I am a 17 year old young African American male that has lived here on the peninsula since 2003. I have been volunteering with the Fort Ord Environmental Justice Network (FOEJN) since 2008. FOEJN has been a valuable resource to me.

I would like to have access to job training, affordable housing, affordable healthcare, specifically because I have been negatively affected in my health by the burns and smoke from Fort Ord.

Sincerely,
Henrai Harrison

Darren McBain

Subject: FW: Fort Ord Reuse Plan Reassessment Scoping Report

From: Jim Hendrick [mailto:jimhendrick@comcast.net]
Sent: Thursday, September 13, 2012 12:06 PM
To: board; Michael Houlemard; Jonathan Garcia
Subject: Fort Ord Reuse Plan Reassessment Scoping Report

Dear Sir/Madam:

I am a founding director of the Monterey Horse Park, a California nonprofit public benefit corporation, and I have a comment regarding the East Garrison-Parker Flats Land Swap as discussed at pages 4-266 and 4-267 of the Draft Scoping Report. I was, literally, in the room when this land swap was first suggested to us by the County's Jim Colangelo in, if memory serves, November of 2000. In the summer and fall of 2000, our Monterey Horse Park group was working with the Bay Area Sports Organizing Committee ("BASOC") in its preparation of San Francisco's bid to host the 2012 Olympic Games. With FORA's encouragement, that bid designated East Garrison as the location of the bid's equestrian venue, which included a cross-country course as required by the International Olympic Committee. The bid, which was submitted to the United States Olympic Committee by the deadline in December 2000, included a detailed plan of what would become the Olympic equestrian venue at East Garrison upon acceptance of the bid by the USOC and then the IOC.

Accordingly, before we could agree to the land swap proposed by the County, we needed certainty that the new Parker Flats site would allow for construction of the requisite cross-country course since the BASOC Olympic bid would need to be revised if the venue moved from East Garrison to Parker Flats. We raised this concern with the County and its consultant, Mike Zander, the author of the Assessment East Garrison-Parker Flats Land Use Modification (May 2002), cited at Table 27 on page 4-267 of the scoping report. His report provided the assurance we needed to consent to the swap:

Section 4.1.2 of the Assessment, at page 18, states: "The oak woodland reserve in the Horse Park area (or possibly the adjacent oak woodlands and grasslands to the east) would include an allowance for a section of the proposed cross-country course. The course section would require two lanes, each approximately 75 feet wide. However, no buildings, grandstands, corrals, parking areas or other developments would be allowed in the habitat reserves."

Parker Flats Condition 3 of the Assessment, at page C-2, states: "An approximately 150-foot wide section of the proposed cross-country course shall be allowed through the eastern end of oak woodland reserve, or possibly through the oak woodlands and grasslands to the east of the Horse Park area, but shall be sited and designed to minimize vegetation removal and maintain wildlife movement corridors between habitat reserves."

It was on this basis that the Monterey Horse Park agreed to the land swap. Accordingly, it would be appropriate to make note of this important detail in the Scoping Report. Thank you very much.

Sincerely,
Jim Hendrick, Director
Monterey Horse Park

TAMC
TRANSPORTATION AGENCY
FOR MONTEREY COUNTY

Regional Transportation Planning Agency • Congestion Management Planning
Local Transportation Commission • Monterey County Service Authority for Freeways & Expressways

September 14, 2012

Michael Houlemard, Executive Officer
Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, California 93933

SUBJECT: Comments on the Fort Ord Reuse Authority Base Reuse Plan Reassessment Scoping Report

Dear Mr. Houlemard:

The Transportation Agency for Monterey County is the Regional Transportation Planning and Congestion Management Agency for Monterey County. During the preparation of the 1997 Base Reuse Plan, the Transportation Agency undertook a regional study to assess Fort Ord development impact on the study area transportation network. As a follow-up to this effort, the Transportation Agency also completed a 2005 FORA Fee Reallocation Study, which is the basis of funding for the Fort Ord Reuse Authority's Capital Improvement Program.

The proposed Base Reuse Plan reassessment is being undertaken to account for changes in development conditions, reviewing land use relative to the 1997 baseline, and maintaining consistency with local and regional plans. The goal is to provide the Fort Ord Reuse Authority Board with possible options for the future modification of the Reuse Plan.

The Scoping Report provides a review into the status of the Fort Ord Reuse Plan; the Transportation Agency offers the following comments:

1. The Transportation Agency supports and considers payment of the Fort Ord Reuse Authority's development impact fee as sufficient mitigation of cumulative impacts to regional highways.

2. As a point of clarification, there are several instances in the Scoping Report that refer to the regional travel demand forecast model as developed or maintained by the Transportation Agency; the regional model is actually overseen by the Association of Monterey Bay Area Governments. The Transportation Agency contracted with the Association of Monterey Bay Area Governments to perform the modeling analysis necessary to complete the 2005 FORA Fee Reallocation Study.

3. The Scoping Report contains a comprehensive review of changes to land use and General Plan updates for the Cities of Del Rey Oaks, Marina, and Seaside and the County of Monterey since the Base Reuse Plan was first completed. The information contained in the report should be cross-referenced with the regional travel demand forecast model to ensure consistency between the findings in the report and the expected growth and development patterns contained in the model.

4. The Scoping Report does not address whether changes to land use and General Plans for other entities within the former Fort Ord were also analyzed and catalogued. Key among these would be the City of Monterey, which updated their General Plan in 2004, and California State University Monterey Bay, which has also updated their Campus Master Plan and has agreements with FORA regarding campus growth and transportation infrastructure.

5. Consideration should also be given to exploring changes in land use, development proposals, and expected transportation improvements outside the boundaries of the Base Reuse Plan that may have an impact on travel patterns within the former Fort Ord. Specific examples include the City of Salinas' 2002 General Plan Update and the Monterey Branch Line light rail stations, both of which could require updates to the Base Reuse Plan and the Capital Improvement Program.

6. The Scoping Report notes that the county-wide regional network identified in the Transportation Agency's Regional Transportation Plan includes four routes that pass through or adjoin the former Fort Ord: State Route 1, Imjin Parkway, Reservation Road, and Blanco Road. Highway 68 between Salinas and Monterey is also considered part of the regional network and runs along the southern border of the former Fort Ord. *Highway 68 Operation Improvements* are funded by the FORA Capital Improvement Program and *Highway 68 Widening* is funded by the Transportation Agency's regional development impact fee – this state facility should be included with the reassessment of the Base Reuse Plan.

7. The Transportation Agency encourages that the policy inconsistencies between the Base Reuse Plan and the Regional Transportation Plan be updated in the Base Reuse Plan reassessment. Primarily, these include:

    a. Maximizing the use of existing infrastructure for transportation improvements;

    b. Considering the use of roundabouts;

    c. Prioritizing funding to fill gaps in bicycle and pedestrian facilities;

    d. Coordinating bicycle signage; and

    e. Updating the alignment of the Mutli-modal Corridor to run along Inter-Garrison Road;

8. The Transportation Agency recommends that as part of the plan reassessment, that an updated transportation analysis also be conducted to ensure that the proper level of mitigations are contained in the Capital Improvement Program to sufficiently address the current and expected levels of development as determined by the reassessment.

9. The Transportation Agency also recommends that the Base Reuse Plan reassessment incorporate the recent Multi-modal Corridor into the Fort Ord Reuse Authority's Capital Improvement Program and utilize the adopted Memorandum of Agreement as a basis for future planning of the designated route.

Thank you for the opportunity to comment on the reassessment process. If you have any questions, please contact Michael Zeller of my staff at 831-775-0903.

Sincerely,

for Debra L. Hale
Executive Director

OFFICE OF THE MAYOR
440 Harcourt Avenue
Seaside, CA 93955

Telephone (831) 899-6706
FAX (831) 899-6227

September 14, 2012

Fort Ord Reuse Authority Board
920 2nd Avenue, Suite A
Marina CA 93933

SUBJECT: FORA Base Reuse Assessment Scoping Report Comments

Dear FORA Chair and Board Members,

This letter is in follow up to Scoping Report Comments submitted by city staff on August 31, 2012. At a Special City Council Meeting held on September 10, 2012, the Seaside City Council received staff's comment letter and provided additional comments for FORA Board's consideration.

One of the City Council's primary goals is to ensure economic opportunity and stability for our community. We continue to be concerned that the third element of the Base Reuse Plan, economic development, may not reach its full potential, and this would have particularly damaging effects on the city of Seaside.

The City of Seaside's economic opportunities in the former Ft. Ord lands are very limited. Of the approximately 4,000 acres within the City of Seaside's city limit, only 15% is considered developable. Therefore, it is critical that the re-assessment of the Base Reuse Plan (BRP) affirm that the City of Seaside retains its right to develop consistent with its adopted General Plan as it may be modified from time to time. In addition, the Reassessment Report should also acknowledge the City's plans to implement the Projects at Main Gate Specific Plan as well as identify and incorporate the City of Seaside 2010 Seaside East Conceptual Master Plan and its emphasis on shifting current residential land use designations to employment generating commercial/light industrial/R&D land uses along General Jim Boulevard south of Coe Avenue. A third area known as "Surplus II" which is adjacent to California State University Monterey Bay (CSUMB) also has the potential for Office/R&D development. Reaffirmation of the City's right to develop consistent with its adopted General Plan, as may be modified, will ensure that the economic opportunities for our citizens are protected and accomplished.

It should also be noted that the environmental component of the Reuse Plan is linked to these aforementioned economic opportunities as funding for habitat management is to come from fees received from private development.

In regards to job opportunities and labor force preparation, the Association of Monterey Bay Area Governments recently released Projections for the AMBAG Region 2010-2015 which provided population and employment projections for the region. The Reassessment Report should take into account the projections provided in this report related to the southward expansion of the Silicon Valley/San Jose metropolitan area workers and how base reuse can accommodate the projected employment and housing demands.

We appreciate the opportunity to provide you with our comments and concerns and thank you for your consideration.

Sincerely,

Felix H. Bachofner
Mayor

CC: Seaside Council Members

City of Marina

City of Marina
211 HILLCREST AVENUE
MARINA, CA 93933
831- 884-1278; FAX 831- 384-9148
www.ci.marina.ca.us

September 14, 2012

Mr. Michael Houlemard
Executive Officer
Fort Ord Reuse Authority
920 2nd Avenue, #A
Marina, CA 93933

Dear Mr. Houlemard:

Re: Comments on Fort Ord Base Plan Reassessment Scoping Report and Market Analysis

Please enter this letter and attached comments into the public record for Item 9(e) of the September 14, 2012 meeting of the Board of the Fort Ord Reuse Authority: the Fort Ord Base Plan Reassessment (BRP) Scoping Report. Although there were statements that comments received after September 4, 2012 will not be incorporated into the Final Scoping Report, we urge you to reconsider corrections of factual errors that are noted in the attached comments.

Due to staffing limitations, the City of Marina has not finished its review of the August 2012 Draft Fort Ord Base Plan Reassessment Scoping Report and may have additional comments. We will endeavor to get them to FORA as soon as possible, and look forward to a detailed review of the BRP reassessment document.

Sincerely,

Douglas A. Yount

Douglas A. Yount
Interim City Manager

Attachments: City of Marina Comments

Cc: Steve Endsley
Michael Groves, EMC
Christine di Iorio, AICP, Marina Director of Community Development

Draft Fort Ord Reuse Reassessment Scoping Report

Page	Section	Comment
3-8	Top of page: *The issues confronting local developers include a lack of identified demand in the face of continued high development costs.*	Not correct in terms of senior housing which has consistently high demand.
4-6	B-22: *The University Villages (Dunes) Specific Plan does not address buffers along State Route 1.*	Please explain this statement.
4-11	E-1.2: *The City of Marina has adopted an Airport Master Plan which designates about 255 acres for commercial/industrial uses in the area adjacent to UC MBEST.*	This is not correct.
4-13	E-3.1: *The 2006 Marina General Plan includes four new connections....*	Wrong year - 2000
4-31	E-2.1: *The City extended California Avenue which connects older housing areas with businesses along Imjin Parkway.*	*The City extended California Avenue which connects **existing** housing areas with businesses along Imjin Parkway.*
4-31	E-2.1: *The 2006 Marina General Plan...*	2000
4-43	C-2-1: *Jurisdictions complete this program on an ongoing basis as projects and parks are developed.*	Reevaluate this language.
4-54	B-1.3: *The Marina High School has been constructed.*	Not accurate: The Marina High School opened in renovated existing former Army school buildings. A master plan is underway, anticipating construction of key facilities.
4-59	C-1.1. *The 2006 Marina General Plan designates the functional purpose of each street, and includes cross-sections for several specific streets. General Plan Figure 3.1 generally indicates streets with fewer lanes than indicated in BRP Figure 4.2-3, including Reservation Road, Second Avenue, and most of Imjin Parkway all of which are 6 lanes in the BRP and generally 4 lanes in the Marina General Plan*	Need to address.
4-63	A-1.1: *2006 Marina General Plan Figure 3.2 shows a local transit zone and five transit station locations within Fort Ord. The intermodal corridor also passes through Marina, and is included in the University Villages ("Dunes") Specific Plan.*	Note General Plan inconsistency
4-67	A-1.1: *Marina Municipal Code Title 18 establishes a trip reduction program.*	No longer applicable.

4-75	E-1.1: *The City is currently initiating a Specific Plan for the Airport Business Park; all compatible recreational uses are being evaluated.*	Need more accurate language.
4-76	E-2.1: *The Marina Equestrian Center is operating within the Marina Village District.*	Need to address interim status.
4-90	B-1.2: *The local jurisdictions are participating in Marina Coast Water District's development of the Fort Ord Water Augmentation project, a component of the Regional Urban Water Augmentation Program (RUWAP). The Monterey County Water Resources Agency has an oversight role in the protection of groundwater resources.*	Is this updated information?
4-107	A-4.3: *The City is currently coordinating with the University of California Natural Reserve System regarding the Airport Business Park Specific Plan.*	Incorrect title of plan
4-136	B-1.1. *The jurisdictions investigate noise effects of proposed projects on existing development through the environmental review process, but do not proactively address existing noise issues at existing developments.*	Consistency with General Plan.
4-137	B-3: *The jurisdictions prepare noise studies as part of the environmental review of projects. The noise studies are based on each jurisdiction's noise standards, which vary from those of the Fort Ord Reuse Plan (see Program A-1.1 and A-1.2 above).*	*The noise studies are based on each jurisdiction's noise standards, which vary from those of the Fort Ord Reuse Plan (see Program A-1.1 and A-1.2 above)*, however, found to be consistent under the General Plan.
4-132	B-1.2: *Building proposed for demolition are required to be screened for historic significance in accordance with Department of Parks and Recreation guidelines.*	Not the process per the State and the Base Reuse Plan.
4-132	B-1.3: *The CEQA process (State law) requires impact avoidance and mitigation – including possible relocation of historic buildings – to occur, or to be determined infeasible, before demolition can be approved by a jurisdiction. CEQA also requires public notification of proposed projects and, in the case o fsigni8ficant i8mpacts such as demolition of historic buildings, requires an Environmental Impact Report with associated public hearings. Each jurisdiction's development review process provides additional mechanisms requiring public notice and hearings.*	Add: First is the determination of the structure being an eligible historic resource.
4-133	B-1.4: *The University Villages (Dunes) Specific Plan proposes the preservation and reuse of the large warehouse building (south of Eighth Street near State Route 1), two chapels, and a brick structure.*	Add: All are being considered for adaptive reuse.

4-133	B-1.4: *Most of the barracks between Eighth Street and Divarty Road are still standing.*	*Most of the barracks between Eighth Street and Divarty Road are still standing,* but are not considered historic resources.
4-134	A-1.1: *2006 Marina General Plan Table 4.1 presents the City's noise criteria. The City's noise criteria are 4 dBA higher for several categories of land use (residential, hotel, live-work, office, industrial) compared to Fort Ord Reuse Plan Table 4.5-3.*	*The City's noise criteria are 4 dBA higher for several categories of land use (residential, hotel, live-work, office, industrial) compared to Fort Ord Reuse Plan Table 4.5-3* but are found to be consistent with the Base Reuse Plan.
4-135	A-1.2: *Marina Municipal Code Chapter 9.24 and Chapter 15.04 control noise in Marina. The Chapter does not include specific noise performance standards.*	*The Chapter does not include specific noise performance standards,* because it is addressed in the CEQA process.
4-148	A.5: *The 2006 Marina General Plan identifies a site at the Marina Airport for a new fire station, and two other potential sites (8th Street/Second Avenue and Imjin Parkway/Abrams Drive) for fire stations to serve Fort Ord.*	This is not accurate.
4-200	*...the BRP could more directly address these issues by the strengthening of existing policies to address...greenhouse gas emissions.*	This would require the opening up of the Reuse Plan.
4-206	Coastal Program: *The Fort Ord Dunes State Park General Plan acknowledges the absence of a local coastal program...*	This is not accurate. Marina adopted a Local Coastal Program.
4-223	Last paragraph: *An August 2005 FOR A/Marina memorandum of agreement assigned FOR A $46,000,000 in building removal costs within the Dunes on Monterey Bay (formerly known as University Villages) Specific Plan area. Actual removal was conducted by Marina Community Partners. FOR A paid $22,000,000...*	Check for accuracy.
4-228	CSUMB Traffic Constraints: *As the result of the settlement of FOR A's lawsuit against CSUMB, campus growth is limited by the need for traffic facility improvements.*	Recheck this language.
4-234	Table 20 Job Creation: Office/Retail	CHOMP/Wellness Center should be listed in office separately from Dunes Shopping Center
4-234	Table 20 Job Creation: Government	Children's Services has been closed for 3 years. Monterey County Department of Behavioral Health scheduled to move in with 110 persons in 2014.
4-242,	Figure 15 and Figure 16	No. 21 in northern part of map is not Chartwell School; it's MPUSD

4-244		Marina High School and MCOE Gladys Stone School.
4-251	Storm Water: *The U.S. Army's 60-inch outfall has broken apartment where it discharges, about 400 feet from the shore.*	Where is this?
5-2	Documents	Include: Housing Element of 2009; UCMBEST Concept Plan, The Dunes Application for Sustainable Communities; any documents related to Cypress Knolls. Recommend review of City of Marina Strategic Project Fact Sheets (available on City website)
5-2	*Monterey County Airport Land Use Commission. Marina Municipal Airport Comprehensive Land Use Plan, November 18, 1996*	Outdated – need to reference draft and Airport Master Plan.

Fort Ord Base Reuse Plan Reassessment – Market and Economic Analysis

- Table 2-4, Existing FORA development: In Marina section - no listing of Monterey Peninsula College Education Center, Veterans Transition Center has more than 13 units, does the Dunes 40,000 sf of office = Wellness Center? Interim Inc. is listed as 11 MF units which is incorrect (maybe a reference to the 11 dilapidated units that will be torn down for Rockrose Gardens?) Interim currently owns the following shared Housing:
  - Shelter Cove, 613 Bayonet Circle – 37 beds (including RM bed), 5 buildings (Transitional Housing)
  - Sandy Shores, 2982 Bayonet Court - 28 beds, 4 buildings (Permanent Housing)
  - And from Shelter Outreach Plus, Interim rents at 2429-2434 Lexington Court – 12 beds in 3 buildings (Transitional Housing)

- Table 2-5, Fort Ord Reuse Plan Reassessment Housing Unit Status: in Marina section, Rockrose Gardens is 11 existing units, 10 new units NOT 21 new units

- Table 2-7, FORA Future Development Projections, Marina section: Interim-Lexington Court is not 14,000 sf of office, it is 21 Multifamily units; Cypress Knolls is not 400 SF units, the entitlements are for 499 SF units, 213 MF; where is the VA clinic listed within The Dunes data?

- Pg 84: Discussion of R&D/Flex Space does not accurately reflect Marina market of high demand for space we can't yet offer. Do not agree with analysis that UCMBEST space not appropriate to fulfill demand.

- Appendix A-1: Cypress Knolls: description is inaccurate: replace with "is planned/entitled for up to 772 units. RFQ was issued for developers to build up to 400 units; one SOQ received and currently under consideration."

MPC
MONTEREY PENINSULA
COLLEGE

September 17, 2012

Mr. Michael Houlemard, Executive Director
and the FORA Board
Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, CA 93933

RE: Fort Ord Reuse Plan Reassessment Additions to the Scoping Report Errata 9/14/12

Dear Mr. Houlemard and FORA Board:

On September 14, 2012, I attended the lengthy Fort Ord Reuse Authority Board of Directors meeting and while there received an additional report, "Additions to the Scoping Report Errata." This report stated comments that had been received by the previous deadline for submission of September 4, 2012 and identified additional changes to various chapters of the Scoping Report.

Monterey Peninsula College submitted a letter dated September 4, 2012 which cited omissions regarding Program C-1.2 and A-1.4 of the Scoping Report. The September 14, 2012 "Errata" report included an addition regarding the Program A-1.4 matter; however, the issue with the Program C-1.2 remained unaddressed. I had prepared language on this matter for submission at the meeting, but due to the length of the meeting, Chair Potter continued consideration of the Scoping Report until the October 12, 2012 Board meeting. Prior to adjournment, I inquired on the record whether further corrections could be submitted, and Chair Potter indicated all submissions received by September 17 would be considered.

In the "Additions to the Scoping Report Errata" document distributed on September 14, an important addition was made to page 4-52, Program A-1.4 that noted the existence of an agreement between Monterey Peninsula College and the Bureau of Land Management. However, the other area noted for change by MPC's letter of September 4, 2012 was not addressed. With reference to Program C-1.2, the Scoping Report states, "No development plans are approved for Polygon 19a." This statement is misleading because it does not note the existence of property exchange agreements signed in 2002 and 2003 by Monterey Peninsula College, the Fort Ord Reuse Authority, and Monterey County which approve development of parcel E19.a.5 as a site for public safety training functions. Therefore, I request that the statement that no development plans are approved for Polygon 19a be revised by adding similar language to that used on page 4-52, Program A-1.4. An addition on page 4-41, Program C-1.2 should include the following statement: "FORA, the County, and MPC have entered into agreements that address development plans for parcel E19a.5."

I request that this addition to Program C-1.2 appear in the corrected Errata report that will be distributed at the October 12, 2012 meeting. If you have any questions, please let me know.

Thank you,

Douglas R. Garrison
Superintendent/President

Attachment: Monterey Peninsula College Letter to FORA, September 4, 2012
cc: Vicki Nakamura, Assistant to the President

MPC

MONTEREY PENINSULA
COLLEGE

September 4, 2012

Fort Ord Reuse Authority
920 2nd Avenue, Suite A
Marina, CA 93933

RE: Fort Ord Reuse Plan Reassessment Scoping Report

The Scoping Report for the Fort Ord Base Reuse Plan reassessment was recently released by the Fort Ord Reuse Authority. I am writing to provide comments regarding Chapter 4, Reuse Plan Implementation.

On page 4-41, regarding Program C-1.2 and open space designation, the notes state, "Open space will be provided within Eucalyptus Road area on land under the control of Monterey Peninsula College. No development plans are approved for Polygon 19a." This statement needs clarification – I believe Polygon 19a includes the College's parcel, E19a.5, which is planned for development as the site of an emergency vehicles operations course and fire tower training facility. Monterey County and the Fort Ord Reuse Authority are signatories to property exchange agreements in 2002 and 2003 with the College that approves development of this parcel for this purpose.

Later, on page 4-52, regarding Program A-1.4, and the minimization of impacts of proposed land uses which may be incompatible with public lands, such as ... siting of the Monterey Peninsula College's Military Operation Urban Terrain (MOUT) law enforcement training program in the BLM Management/Recreation Planning Area. The notes state, "The County has not taken actions to minimize potential impacts resulting from ... the MPC MOUT facility." Again, Monterey County, the Fort Ord Reuse Authority, and the Bureau of Land Management (BLM) are signatories to a 2005 agreement with the College where BLM agreed to withdraw its claim to the MOUT facility in favor of MPC's ownership. The parties all acknowledged the MOUT facility would continue to be operated by MPC as a public safety and tactical training facility within BLM's area. The recent designation of the BLM's Fort Ord acreage as a national monument does not extend to the MOUT facility and thus, should not affect continued use for public safety training. The agreement also addresses coordination between MPC and BLM to address concerns with operation of the MOUT facility.

I offer these clarifications because the College agreed to relocate its public safety training facilities to the Parker Flats area and MOUT facility to resolve a longstanding (ten years!)

land use conflict with the County and FORA over the East Garrison. Reaching agreement was not an easy process; but the College agreed to the exchange to ensure the future development of the training facilities at Parker Flats and the MOUT. The facilities are essential to MPC's public safety programs; the lack of adequate training facilities for emergency vehicle operations, weapons handling, and firefighting have created a number of logistical challenges for these programs.

The College has been providing training for law enforcement, fire technology, and emergency responders for numerous years. MPC graduates are employed at local police and fire agencies in the area and throughout the state of California. The facilities at Parker Flats and the MOUT are necessary to continue meeting training requirements and serve local public safety needs.

MPC looks forward to continuing its successful role in the reuse of the former Fort Ord. The public safety training facilities in Parker Flats and at the MOUT facility will be an educational resource for the region and have positive economic development impacts for the area. Thank you for the opportunity to provide comment on the Scoping Report.

Sincerely,

Vicki Nakamura

Vicki Nakamura
Assistant to the President

Darren McBain

From: Molly Erickson [mailto:erickson@stamplaw.us]
Sent: Monday, September 17, 2012 4:50 PM
To: Darren McBain
Cc: Lena Spilman
Subject: Re: Item 9e on FORA board agenda

Darren:

Thanks for your response. Attached is a courtesy copy of the letter I hand delivered to Lena on Friday at the Board meeting, prior to the discussion of agenda item 9e. The letter is from our Office on behalf of Keep Fort Ord Wild.

Thanks for your effort to try to clarify the confusing naming of the various reassessment scoping report documents. It is very confusing to have two sets of additional scoping report documents, both of which are numbered starting with page 3-1.

The "Additions to the scoping report errata" was made available to the public for the first time at the September 14, 2012 FORA board meeting. I ran across the last copy available at that meeting. The first page of the packet made it look like the packet contained only correspondence. I was surprised to find additional scoping information from the reassessment consultant contained in the packet.

These are two comments on the "Additions to the scoping report errata."

1. The proposed changes to Page 2-9 – re FORA 's role on projects – does not reflect the actual facts. Contrary to the proposed changes, "project-specific public comments on projects not yet approved by the local jurisdictions are" not best directed to the relevant local jurisdiction, because FORA may consider taking actions that enable specific projects prior to the land use jurisdiction's approvals. One example of this is the Veterans Cemetery project, where the FORA Board has indicated its desire to change the land use jurisdiction on the Base reuse Plan map to enable the cemetery. Without such change, the cemetery could not proceed. The cemetery has not yet been approved by Seaside. The issue identified in the report – whether the FORA Board does or does not have discretionary authority to review or approve entitlements for such projects – is not the issue. As to the proposed change regarding the Eastside Parkway project is also incorrect. The Eastside Parkway is a component of the capital improvements program – it is not a future potential component. But because the CIP is not part of the Base Reuse Plan, the reference to the "BRP capital improvements program" is inaccurate and should be deleted. The Base Reuse Plan is of higher authority, and the CIP should not be mischaracterized by the proposed implication that the CIP is part of the BRP.

2. As to page 4-52, the proposed change is incorrect. Contrary to the proposed change, the County has had the opportunity to takes actions to minimize potential impacts resulting from major roadways." As one example, in 2011 the County adopted an alignment for the Eastside Parkway that runs past proposed residential areas and the CSUMB property. At that time, the County failed to take that opportunity to minimize potential impacts from that proposed major roadway.

Regards,

Molly

Molly Erickson
Law Offices of Michael W. Stamp
479 Pacific Street, Suite One
Monterey, CA 93940

LAW OFFICES OF
MICHAEL W. STAMP

Michael W. Stamp
Molly Erickson
Olga Mikheeva

479 Pacific Street, Suite One
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Telephone (831) 373-1214
Facsimile (831) 373-0242

September 14, 2012

Via Hand Delivery
Dave Potter, Chair
Members of the Board of Directors
Fort Ord Reuse Authority
920 2nd Ave., Suite A
Marina, CA 93933

Re: September 14, 2012 meeting – revised agenda item 9e (Base Reuse Plan reassessment, formerly item 7e)

Dear Chair Potter and Members of the FORA Board of Directors:

This Office represents Keep Fort Ord Wild. Due to concern that meeting records may be destroyed by FORA, Keep Fort Ord Wild submits these written comments and will be supplementing them with oral presentation.

Keep Fort Ord Wild is concerned about the following broad categories:

1. There is no legal water for development at Fort Ord. The Salinas Valley Groundwater Basin is in overdraft. In an overdrafted basin, new groundwater cannot be appropriated.

2. The 6,600 AF relied upon by the Base Reuse Plan was not a legal transfer of water rights.

3. All Fort Ord water comes from Deep Aquifer:

    a. ancient water not being recharged, not sustainable.
    b. unknown quantity, could run out in the near future.

4. Even if the 6,600 AF transfer was legal, which it is not, Seaside and the County do not have enough paper water for their approved and planned developments.

5. The scoping report discussion of water demand are flawed.

    a. Mere estimates of paper demand.
    b. Fails to include potential demand of existing and future uses.
    c. None of the water demand is capped or otherwise limited.

6. Significant issues that were raised in public comment on the draft reassessment scoping report were ignored in the final report.

7. The changes made in Chapter 3.0, "scoping report errata," are all attributed to public agencies or to staff. No changes are attributed to members of the public, or to public interest organizations. Despite the many valid comments and criticisms of the draft report which merited changes to the report, apparently all were rejected.

Because the scoping report data and analysis are flawed, the conclusions are flawed. These problems are significant. They are caused, at least in part, by the conflict of interest of the reassessment report preparer. These issues, along with other issues raised by the public during this process, render the Base Reuse Plan reassessment unreliable, and in violation of the settlement agreement with the Sierra Club as incorporated into the FORA Master Resolution.

Knowing that there is no legal water for development, the FORA Board should not perpetuate the policies of the existing Base Reuse Plan that rely on the 6,600 AF transfer. Further, the Board should require the reassessment process to acknowledge that the existing uses on Fort Ord are supplied by a limited water supply that is not quantified, not sustainable, and not reliable.

The FORA Board should require an objective and independent reassessment of the Base Reuse Plan, including a fair and balanced analysis of the issues raised by the public.

These comments are also submitted as comments on the draft scoping report for the reassessment. Please include them in the final report.

Thank you for the opportunity to comment.

Very truly yours,

LAW OFFICES OF MICHAEL W. STAMP

Molly Erickson

Darren McBain

From: Markey, Kristi A. x7576 [MarkeyKA@co.monterey.ca.us]
Sent: Tuesday, October 02, 2012 10:37 AM
To: Darren McBain
Subject: FW: Comments/Direction on Scoping Report and Reassessment Process

Hi Darren, this is what Jane sent to Michael on September 17th, thanks!

Dear Michael,

At the FORA meeting on Friday, I expressed concern that our process for the Assessment included direction from the Board on the Scoping Report, not merely receiving it, and that I had some data that I wanted to see included, as well as some questions about statements in the Scoping Report. You asked me to submit those in writing and other Board members have the opportunity to do the same.

The following constitutes my comments, as well as a request for a Board agenda item on Parker Flats:

1. The Scoping Report, or the Assessment document itself if more appropriate, should include a chart illustrating how much of the water allocated to each jurisdiction remains uncommitted to a project, so we have a real sense of the water situation. This data has already been compiled by FORA staff and has been provided to stakeholder groups, so this should be a simple matter.

2. The Scoping Report, or the Assessment document itself if more appropriate, should include a transportation study that gives us a sense of current traffic levels on the roads in Fort Ord. To whatever extent we can use what TAMC or other local bodies may already have done, that saves money and should be done. If we do not have any current studies, I would like the Board to consider allocating the necessary funding to do a traffic study on the following roads: Imjin Parkway, 2nd Avenue, General Jim Moore Boulevard.

3. The consultants provided a very brief summary of the Parker Flats Land Swap MOU and did not clarify the issue of residential restrictions in the Parker Flats area. I have two requests on this topics:

a. The October FORA agenda to include a presentation by staff on the issue of restrictions on residential use in Parker Flats imposed by both the FOSET document transferring the land from the Army which contains a restriction for health and safety reasons, and the Parker Flats-East Garrison Land Swap MOU which states that the land uses described in the 2002 Assessment document (Zander and Associates) will be adhered to, and page 11 says there will be no residential use in Parker Flats.
b. The Scoping Report include a more in-depth analysis of the Land Swap and how it affects the Base Reuse Plan, with the consultants looking more closely at the Assessment document and page 11 in particular.

4. The Scoping Report makes reference to a "jobs follow housing" model. I did not follow the logic of such a phenomenon; the Report seemed to be saying that if we have a diverse workforce, employers will relocate here, therefore if more housing is built, that workforce will move here. However, the only people moving here without jobs are those who do not need to work (retired, wealthy, etc), so I do not understand what this is based on. Could we get a more clear explanation?

5. The comment letters on the Scoping Report raised a point about the Report's description of the Consistency Process. The Report should describe the Consistency Process as it is spelled out in the Master Resolution.

6. The comment letters also asked how we are going to ensure that Base Plan policies are implemented. The report identified over150 policies and programs that have not been completed, some because the time is not ripe, but others because the jurisdictions simply failed to do it. FORA may need to take additional steps to ensure that jurisdictions implement policies in the Base Plan, which may include facilitating coordination of those policies and programs that involve multiple jurisdictions. I'd like to see options for doing so included in the Reassessment.

7. I have reviewed CSUMB's comments and wish to support its remarks and requests regarding the Scoping Report.

Sincerely,

Supervisor Jane Parker
Fourth District

2010 Ord Community Water Consumption vs. Allocation (in Acre Feet per year)

EXHIBIT W-5

Entity	2009 Consumption	2010 Consumption	Fort Ord Reuse Plan Allocation (AFY)	% of
OMC				
Nonresidential	45	45		
Residential	124	182		
Residential (e)	410	410		
Irrigation	39	39		
Subtotal	618	676	1,577.0 (1) (4)	43%
Construction Water - Army	40	3		
CSUMB				
Main Campus	52	136		
CSUMB Housing (metered)	221	232		
CSUMB Housing (e)	159	0		
CSUMB Irrigation	35	35		
CSUMB Irrigation (e)	95	0		
Subtotal	562	403	1,035.0	39%
UC MBEST	2	3	230.0	
County	4	10	710.0 (7)	
County/State Parks	0	0	45.0	
Cty/Del Rey Oaks	0	0	242.5 (6)(7)	
Cty/Monterey	0	0	65.0	
Cty/Marina (Sphere)	0	0	10.0	
Subtotal	6	13	1,302.5	1%
Seaside				
Golf Course	1	349		
MPUSD	94	100		
Brostrom	64	60	85.0 (4)	
Thorson	60	60	120.0 (3)	
Seaside Highlands	178	166		
Monterey Bay Land, LLC	0	0	114.0 (5)	
Other	7	5	693.0 (7)	
Subtotal	404	740	1,012.0 (4)	73%
Construction Water - Seaside	27	51		
Marina				
Preston/Abrams	195	177		
Airport	8	10		
Other	69	69		
Subtotal	272	256	1,325.0 (7)	19%
Construction Water - Marina	18	15		
Total	1,947	2,157	6,251.5	35%
Assumed Line Loss	129 (8)	232 (8)	348.5 (7)	
Total Extracted	2076	2389		
Reserve	4524	4211	0 (7)	
Total	6600	6600	6,600	

Notes:

(e) indicates water use is estimated; meters are not installed.

Footnotes:

(1) The 1996/1998 FORA Board Allocation Plan reflects 1410 afy that considers future conservation on the POM Annex. The OMC's current reservation of 1577 afy reflects the decrease of 38 afy and 114 afy (see footnote [4]) from the original 1729 afy. The FORA Board has not yet revised the allocation numbers to reflect this change.

(3) The Sunbay/Thorson property was given its own allocation (120 afy) as part of the transfer of real estate from the US Army to the Southwest Sunbay Land Company.

(4) Seaside's original allocation of 710 afy was augmented by 38 afy by agreement with the OMC and Brostrom, and by 114 afy under final terms of the land exchange agreement among the City of Seaside, Monterey Bay Land, LLC and the US Army.

(5) 114 afy of Monterey Bay Land, LLC controlled potable water includes the proviso that the City of Seaside shall use no less than 39 afy of such water for affordable or workforce housing.

(6) The FORA Board approved an additional 17.5 afy for Del Rey Oaks on 05/13/2005.

(7) In January 2007, the FORA Board changed the 150 afy interim use loans to Marina, Seaside, Del Rey Oaks and Monterey County in October 1998 to add to their permanent allocations.

(8) Line loss figures include water transferred from Ord to Marina system through the inter-tie. The transferred numbers are tracked in the SCADA system and will be repaid back to Ord from Marina over time.

RETURN TO AGENDA

FORT ORD REUSE AUTHORITY BOARD REPORT
OLD BUSINESS

Subject:	Veterans Cemetery Parcel Land Use Designations (*2nd Vote and Update*)	
Meeting Date:	October 12, 2012	**INFORMATION/ACTION**
Agenda Number:	8c	

RECOMMENDATION(S):

Receive additional information and take a second vote concerning land use designations on Veterans Cemetery-related parcels. Because the vote on the motion was not unanimous but a majority (7-4) at the September 14, 2012 Board meeting, the item is being returned for a second vote in accord with the Board's practices.

BACKGROUND:

At the September 14 FORA Board meeting, staff presented a report **(Attachment A)** on implementing the FORA Board's past direction and actions concerning land use designations on parcels related to future development of a Veterans Cemetery. The Veterans Cemetery site includes approximately 100 acres within Seaside and approximately 78 acres within unincorporated Monterey County. The individual parcels within the overall site are further described in Table 1, below.

Table 1 – Current and Proposed Land Use Designations for the Veterans Cemetery Parcel

Parcel Name (jurisdiction)	Approx. Acreage	Current BRP Land Use Designation(s)	"Proposed" BRP Land Use Designation(s)[1]
a) Endowment Fund Opportunity Parcel (Seaside)	28.7	Open Space/Recreation	*SFD Low Density Residential*
b) Endowment Fund Opportunity Parcel (County)	1.7	SFD Low Density Residential	SFD Low Density Residential
c) Ancillary Parcels (Seaside)	1.5	Open Space/Recreation	*Office/R&D*
d) Ancillary Parcels (County)	2.0	SFD Low Density Residential	*Open Space/Recreation*
e) CCCVC (Seaside)	32.2	Open Space/Recreation	Open Space/Recreation
f) CCCVC (County)	52.2	SFD Low Density Residential	*Open Space/Recreation*
g) Development Area with Habitat Restoration Opportunity (Seaside)	30.4	Open Space/Recreation	Open Space/Recreation
h) Development Area with Habitat Restoration Opportunity (County)	15.5	SFD Low Density Residential	*Open Space/Recreation*

Options 1-3: Staff's analysis and presentation at the September 14 Board meeting included three options for the Board's consideration and direction:

1) Await legislative land use decisions and/or development entitlements submitted from Monterey County and/or City of Seaside. Appropriate CEQA review to be initiated

[1] Proposed changes would include text changes to the Open Space/Recreation designation expressly allowing cemetery use (italicized land use designations demonstrate proposed changes from current land use designations). These changes would clearly designate land uses compatible with the Veterans Cemetery, ancillary, and endowment parcels. Proposed land use designations are derived from the FORA, City of Seaside, and County of Monterey's previously stated intent to change Veterans Cemetery Land Use designations, as described in the previous month's Board report.

and paid for by the jurisdiction. This is FORA's normal process for undertaking Base Reuse Plan (BRP) revisions and approving consistency.

2) Direct EMC Planning Group to include BRP Land Use Concept Map and text amendments affecting the Veterans Cemetery Parcel as a consideration in the BRP Reassessment Report (draft report scheduled to be completed in October 2012) as a potential action item for consideration in January 2013. Legislative land use decisions and/or development entitlements and appropriate CEQA review by Monterey County and/or Seaside would need to be submitted for FORA Consistency review in the future.

3) Adopt desired land use designations for the BRP Land Use Concept Map and text amendments for the Veterans Cemetery Parcel consistent with Table 1. Authority Counsel has indicated Board can implement this option by resolution making land use designation changes within the Veterans Cemetery Parcel (see Attachment B to the September Board report). Legislative land use decisions and/or development entitlements and appropriate CEQA review by Monterey County and/or Seaside would need to be submitted for FORA Consistency review in the future.

Members of the public commented from a variety of perspectives on issues such as the planned uses of the site, the need for a local Veterans Cemetery, evolution of the cemetery as a broad-based community goal, site characteristics, and proximity to the National Monument.

Ultimately, the Board directed staff to provide the Board with additional information regarding a fourth option that would allow designation of the Veterans Cemetery independent of taking action at this time regarding the Endowment Fund Opportunity parcels.

DISCUSSION:

In effect, the Board's action regarding a fourth option is a hybrid approach to the previous options #1-3, producing the following policy direction:

- "Option 1" with regard to the endowment parcels (rows "a-b" in Table 1, above): Under the previously established MOU among FORA, Seaside, and the County, Seaside will process entitlements (including applicable CEQA clearance) for any future legislative land use decisions and/or development entitlements on the endowment parcels. Seaside will complete its actions and then present its findings to the FORA Board for a determination of consistency with the Base Reuse Plan. As noted above, this approach is FORA's standard process for undertaking BRP revisions and making a determination of consistency; and

- "Option 2" with regard to the other parcels (rows "c-h" in the Table): FORA will ensure that text and graphic amendments are included among the action items for Board consideration as part of the current BRP reassessment effort. *The purpose of the changes will be to reaffirm that these parcels are expressly designated as intended for future development of a Veterans Cemetery,* independent of other land-use decisions or designations. This action is consistent with the site's labeling for "VC – Veterans Cemetery" on the land use concept map in the published BRP (2001) and with the 2008 Veterans Cemetery master planning process, among other actions and decisions. This step does not preclude any particular land use being proposed for the adjacent endowment parcels, which would proceed consistent with the "Option 1" approach.

  The reassessment is underway and will be completed in December 2012. Policy options and priorities for Board consideration will be identified in the Reassessment Document, a draft of which will be circulated in mid-October. The actual text and graphic changes would

become part of the FORA work plan for 2013 as a follow-on action resulting from the reassessment process.

If selected by the Board as a post-reassessment follow-on action, the appropriate type of CEQA clearance for these changes will need to be determined. It should be noted that under any of the proposed BRP designation changes on the parcels in Table 1 there would be a net increase of between 39 and 68 acres of land designated as Open Space/Recreation in the BRP.

A California Veterans Cemetery has been a shared objective of Monterey County and regional veterans and their families for decades, with broad-based community support. State legislation has supported development of a Veterans Cemetery at Fort Ord. A Memorandum of Understanding (MOU) among the City of Seaside, the County of Monterey, and FORA has guided the preliminary process of land designation, planning, and future land transfers.

Designation of the Veterans Cemetery parcels as discussed above provides certainty as the supporters of the cemetery move forward with exploration of all options for funding of the cemetery project (subject to federal, state, and local government and land-use requirements). The Board's action will not encumber or prevent due consideration of other land use designations or funding options for other parcels in the vicinity.

FISCAL IMPACT:

Reviewed by FORA Controller

Staff time related to researching and reporting on this item is included in the FY12-13 budget. The action items discussed in this report (i.e., text and graphic changes to the Base Reuse Plan to clarify designation of the Veterans Cemetery) would become part of FORA's work program in 2013, as a follow-on action after completion of the reassessment process in December 2012. Costs for work-program impacts associated with this task could be incurred in the current and/or next fiscal year. Because potential costs and work program impacts are unknown at this time, the Board may have to revisit the funding issue during mid-year budget review (Jan.-Feb. 2013).

COORDINATION:

Authority Counsel, Executive and Administrative Committees.

Prepared by _____ Reviewed by _____
Darren McBain Steve Endsley

Approved by _____
Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject:	Veterans Cemetery Parcel Land Use Designations	
Meeting Date:	September 14, 2012	**INFORMATION/ACTION**
Agenda Number:	7d	

RECOMMENDATION(S):

1. Receive a report on the Veterans Cemetery Parcel land use designations.

2. Direct staff to implement option #1, #2, or #3 (described below and in **Attachment A**) concerning the Veterans Cemetery Parcel Land Use Designations.

BACKGROUND/ DISCUSSION:

At the August 10, 2012 Fort Ord Reuse Authority (FORA) Board meeting, Director Ian Oglesby made a request concerning the Veterans Cemetery Parcel, asking staff to bring back a report on implementing the FORA Board's past direction or intent concerning land use designations. The Veterans Cemetery Parcel consists of Army Corps of Engineers (COE) Parcels E18.1.1 (approximately 100 acres within Seaside) and E18.1.2 (approximately 78 acres within the County of Monterey).

The Veterans Cemetery Parcel land use designations in the 1997 Base Reuse Plan (BRP) land use concept map (Figure 3.3-1) (**Exhibit A**) were Military Enclave in the Seaside portion and Single Family Dwellings (SFD) Low Density Residential within the County of Monterey portion. The current status of Seaside General Plan (August 5, 2004 Seaside General Plan was found consistent with the BRP on December 10, 2004) for this area is Park and Open Space with "Veteran's Cemetery" text included on the map (**Exhibit B**). The current status of the Monterey County General Plan (November 21, 2001 General Plan amendments was found consistent with the BRP on January 18, 2001) for this area is Low Density Residential. The Monterey County 2010 General Plan is pending FORA Consistency review.

The desired land use designation changes to the Veterans Cemetery Parcels are described in the Table 1 below and would include text changes to the Open Space/Recreation designation allowing cemetery use (italicized land use designations demonstrate proposed changes from current land use designations). These changes would clearly designate land uses compatible with the Veterans Cemetery, ancillary, and endowment parcels. Proposed land use designations are derived from the FORA, City of Seaside, and County of Monterey's intent to change Veterans Cemetery Land Use designations.

Table 1 – Current and Proposed Land Use Designations for the Veterans Cemetery Parcel			
Parcel Name (jurisdiction)	**Approx. Acreage**	**Current Land Use Designation(s)**	**Proposed Land Use Designation(s)**
Endowment Fund Opportunity Parcel (Seaside)	28.7	Open Space/Recreation	*SFD Low Density Residential*
Endowment Fund Opportunity Parcel (County)	1.7	SFD Low Density Residential	SFD Low Density Residential
Ancillary Parcels (Seaside)	1.5	Open Space/Recreation	*Office/R&D*
Ancillary Parcels (County)	2	SFD Low Density Residential	*Open Space/Recreation*
CCCVC (Seaside)	32.2	Open Space/Recreation	Open Space/Recreation
CCCVC (County)	52.2	SFD Low Density Residential	*Open Space/Recreation*
Development Area with Habitat Restoration Opportunity (Seaside)	30.40	Open Space/Recreation	Open Space/Recreation
Development Area with Habitat Restoration Opportunity (County)	15.5	SFD Low Density Residential	*Open Space/Recreation*

Staff analyzed this request in an August 31st, 2012 memorandum (**Attachment A**) to the FORA Administrative Committee and presented three options for the Committee's review. These options included:

1) Await legislative land use decisions and/or development entitlements submitted from Monterey County and/or City of Seaside. Appropriate CEQA review to be paid for by the jurisdiction. This is FORA's normal process for undertaking BRP revisions and approving consistency.

2) Direct EMC Planning Group to include BRP Land Use Concept Map and text amendments affecting the Veterans Cemetery Parcel as a consideration in the BRP Reassessment Report (draft report scheduled to be completed in October 2012) as a potential action item for consideration in January 2013.

3) Approve or adopt desired land use designation changes to the Base Reuse Plan ("BRP") Land Use Concept Map and text amendments to change land use designations for the Veterans Cemetery Parcel to be consistent with Table 1 proposed land use designations. Authority Counsel indicated that the Board could implement this option by adopting a resolution that would make the land use designation changes within the Veterans Cemetery Parcel (**Attachment B**). Legislative land use decisions and/or development entitlements and appropriate CEQA review from Monterey County and/or Seaside would still need to be submitted for FORA Consistency review in the future.

At its September 5, 2012 meeting, the Administrative Committee did not provide a specific recommendation, but indicated that option #2 or #3 were preferred and the staff analysis should be revised.

FISCAL IMPACT:
Reviewed by FORA Controller M. F. for I. B.

Staff time related to this item is included in the FY12-13 budget.

COORDINATION:

Authority Counsel, Executive, and Administrative Committees.

Prepared by Jonathan Garcia Reviewed by D. Steven Endsley
Jonathan Garcia Steve Endsley

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

Fort Ord Reuse Authority
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Attachment A to Item 7d
FORA Board Meeting, 9/14/2012

MEMORANDUM

Date: August 31, 2012

To: Fort Ord Reuse Authority ("FORA") Administrative Committee

CC: Michael A. Houlemard, Jr., Executive Officer
Steve Endsley, Assistant Executive Officer
Robert Norris, Principal Analyst

From: Jonathan Garcia, Senior Planner

Re: Veterans Cemetery Parcel Land Use Designations

Background:

At the August 10, 2012 FORA Board meeting, during "Item 11 - Items from Members," Director Ian Oglesby made the following request:

> "that staff clarify, correct, and if necessary prepare amendments for, the land use designations of certain parcels of land in the Fort Ord Reuse Plan commonly referred to as the Veterans Cemetery Parcel, the Development Area with Habitat Restoration Opportunity Parcel, the Endowment Fund Opportunity Parcel, and the Ancillary Parcels and any other parcels related to development of a veterans cemetery in the Parker Flats Area of former Fort Ord ("Veterans Cemetery Parcels") by undertaking the following actions:
>
> 1. Identify and review all past FORA Board directions, approvals, agreements, documents, reports and any other actions that may have resulted in revisions or changes to the text, maps, charts and other graphic depictions of the Fort Ord Reuse Plan with respect to the Veterans Cemetery Parcels and immediately perform and complete any clerical corrections to the Fort Ord Reuse Plan text, maps, charts and other graphic depictions necessary to ensure that the Fort Ord Reuse Plan documents accurately reflect past FORA Board actions with respect to the Veterans Cemetery Parcels;
>
> 2. Identify and review all past FORA Board directions, approvals, agreements, documents, reports and any other actions that demonstrate or confirm the board's intent regarding future actions affecting the Fort Ord Reuse Plan designation of the Veterans Cemetery Parcels and initiate an amendment or amendments to the Fort Ord Reuse Plan to fully implement the board's intent regarding the Fort Ord Reuse Plan designations and uses for the Veterans Cemetery Parcels; and

3. That any clerical corrections be completed as soon as possible and any amendments be brought to this board for action at its September 2012 meeting."

In response to this request, staff reviewed past FORA Board actions. Before 2007, the Board's actions pertaining to the Veterans Cemetery land uses consisted of:

- FORA Board Adopted the 1997 Base Reuse Plan (BRP) on June 13, 1997. Land use designations in the land use concept maps [Fig. 3.3-1 and 3.3-2] included Military Enclave within the City of Seaside portion and Single Family Dwellings (SFD) Low Density Residential within the County of Monterey portion of the Veterans Cemetery Parcel [Army Corps of Engineers (COE) Parcels E18.1.1 (approximately 100 acres within Seaside) and E18.1.2 (approximately 78 acres within the County)]. The Veterans Cemetery (VC) land use symbol in the land use concept maps was included in the republished 1997 BRP (2001). Attached is **Exhibit A** (http://www.basereuse.org/reuseplan/Maps/RUPlan/3_3_1/3_3_1.htm) showing specific land use designations for this area depicted in Fig. 3.3-1.
- FORA Board determination that the City of Seaside's August 12, 1998 General Plan amendment was consistent with the 1997 BRP, which sustained the 1997 BRP underlying land use designations(December 11, 1998).
- FORA Board determination that Monterey County's November 20, 2001General Plan amendment was consistent with the 1997 BRP, which sustaining the 1997 BRP underlying land use designations (January 18, 2002).
- FORA Board determination that the City of Seaside's August 5, 2004 General Plan was consistent with the 1997 BRP, altering the City of Seaside Veterans Cemetery Parcel designations to Park and Open Space (December 10, 2004). Attached is **Exhibit B** (http://www.ci.seaside.ca.us/Modules/ShowDocument.aspx?documentid=591) to show the specific land use designations for this area depicted in the 2004 Seaside General Plan Land Use Policy Map.

Below is a summary of recent FORA Board actions (2007 to present) affecting the Veterans Cemetery:

- November 9, 2007 - FORA Board authorized the Executive Officer to enter into a reimbursement agreement with Monterey County for preparation of a Veterans Cemetery Development Master Plan [Figure 5.01 on page 31 of the September 2008 Draft Veterans Cemetery Development Master Plan (attached as **Exhibit C)** (http://www.co.monterey.ca.us/va/downloads/09-11-2008_Vet_Cem_Fort_Ord_DevMP_Final.pdf)].
- February 13, 2009 - FORA Board took an action to invest a portion of FORA's share of land sales revenue to help in creating the state enacted endowment fund.
- April 3, 2009 - FORA Board authorized the FORA Executive Officer to enter into an MOU regarding Central Coast Veterans Cemetery endowment funding (signed on April 28, 2009) (http://www.ci.seaside.ca.us/Modules/ShowDocument.aspx?documentid=1913).
- June 12, 2009 - FORA Board authorized the FORA Executive Officer to submit a grant application to the Office of Economic Adjustment (OEA) for grant funds to support infrastructure analysis and design in the Central Coast Veterans Cemetery planning area.
- May 13, 2011 - FORA Board accepted OEA grant deliverables completed by Whitson Engineers and their sub-consultants (Central Coast Veterans Cemetery-Conceptual Master Plan – Figure 4 is available at the following website: http://www.ci.seaside.ca.us/Modules/ShowDocument.aspx?documentid=5121.

- August 12, 2011 - FORA Board authorized the Executive Officer to execute the Veterans Cemetery Memorandum of Understanding (signed on March 2, 2012) (**Exhibit D**).

Below is correspondence related to the Veterans Cemetery Parcel land uses between the FORA and City of Seaside staff:

- October 9, 2009 – Letter from Stan Cook to Diana Ingersoll concerning confirmation of future Land Uses in Parker Flats (**Exhibit E**).
- January 7, 2010 – Letter from Diana Ingersoll to Stan Cook concerning confirmation of Planned Land Uses in the Parker Flats Area (**Exhibit F**).

The current and proposed land use designations are described in Table 1 below (italicized land use designations demonstrate proposed changes from current land use designations). Proposed land use designations are derived from the FORA, City of Seaside, and County of Monterey's intent to change Veterans Cemetery Land Use designations (see discussion below).

Table 1 – Current and Proposed Land Use Designations for the Veterans Cemetery Parcel

Parcel Name (jurisdiction)	Approx. Acreage	Current Land Use Designation(s)	Proposed Land Use Designation(s)*
Endowment Fund Opportunity Parcel (Seaside)	28.7	Open Space/Recreation	*SFD Low Density Residential*
Endowment Fund Opportunity Parcel (County)	1.7	SFD Low Density Residential	SFD Low Density Residential
Ancillary Parcels (Seaside)	1.5	Open Space/Recreation	*Office*
Ancillary Parcels (County)	2	SFD Low Density Residential	*Open Space/Recreation*
CCCVC (Seaside)	32.2	Open Space/Recreation	Open Space/Recreation
CCCVC (County)	52.2	SFD Low Density Residential	*Open Space/Recreation*
Development Area with Habitat Restoration Opportunity (Seaside)	30.40	Open Space/Recreation	Open Space/Recreation
Development Area with Habitat Restoration Opportunity (County)	15.5	SFD Low Density Residential	*Open Space/Recreation*

Discussion:

The request involved reviewing "past FORA Board directions, approvals, agreements, documents, reports and any other actions that may have resulted in revisions or changes to the text, maps, charts and other graphic depictions of the Fort Ord Reuse Plan with respect to the Veterans Cemetery Parcel and immediately perform and complete any clerical corrections to the Fort Ord Reuse Plan." It is important to note that the 1997 BRP does not discuss the Veterans Cemetery in the text of the document and, before this request was submitted, no formal request has been made

to change the 1997 BRP to include the Veterans Cemetery in the text of the document. However, after reviewing the background material, it is apparent that the FORA Board and local community have a track record of supporting the California Central Coast Veterans Cemetery (CCCVC). Future changes to the BRP could include discussion of the Veterans Cemetery in the document text and a different set of land use designations for the Veterans Cemetery Parcel to facilitate its development.

In addition to developing a site plan for the CCCVC (Fig. 5.01), the September 2008 CCCVC Draft Development Master Plan determined that a private cemetery or residential use would provide both the highest and best use for the Endowment Fund Opportunity Parcel, the ancillary development parcels (chapel, museum, veterans hall, and amphitheater) would complement the Veterans Cemetery, and the southern one-third of the site could provide development or habitat mitigation opportunities. However, environmental review has not yet been completed on the CCCVC Draft Development Master Plan and, as a result, the Plan has not been formally adopted by a public agency. Correspondence between FORA and Seaside staff confirms that it is Seaside's intent that the Endowment Fund Opportunity Parcel land use be residential. The City of Seaside has not yet completed land use designation changes within the Veterans Cemetery Parcel. However, the March 2, 2012 Memorandum of Understanding provides a list of milestones that the Parties will endeavor to follow. One of those milestones is for the City of Seaside to conduct Environmental Review of Endowment Parcel use(s) by March 1, 2013.

Conclusion:

The FORA Board has not formally adopted land use designation changes to the Veterans Cemetery Parcel since it found the County of Monterey 2001 General Plan amendment and Seaside 2004 General Plan consistent with the 1997 Base Reuse Plan. However, FORA, the City of Seaside, and County of Monterey have shown an intent that the Veterans Cemetery Parcel land use designations be modified in the future to be consistent with the 2008 CCCVC Draft Development Master Plan, the April 3, 2009 Veterans Cemetery MOU, October 9, 2009 and January 7, 2010 correspondence between FORA and City of Seaside staff, the May 2011 OEA grant deliverables, and the March 2, 2012 Veterans Cemetery MOU (reflected in Table 1 proposed land use designations). Staff recommends consideration of the following three options before proceeding.

Options:

1) Await legislative land use decisions and/or development entitlements submitted from Monterey County and/or City of Seaside. Appropriate CEQA review to be paid for by the jurisdiction. This is FORA's normal process for undertaking BRP revisions and approving consistency.

2) Direct EMC Planning Group to include BRP Land Use Concept Map and text amendments affecting the Veterans Cemetery Parcel as a consideration in the BRP Reassessment Report (draft report scheduled to be completed in October 2012) as a potential action item for consideration in January 2013.

3) Approve or adopt desired land use designation changes to the Base Reuse Plan ("BRP") Land Use Concept Map and text amendments to change land use designations for the Veterans Cemetery Parcel to be consistent with Table 1 proposed land use designations. Authority Counsel indicated that the Board could implement this option by adopting a resolution that would make the land use designation changes within the Veterans Cemetery

Parcel (**Attachment B**). Legislative land use decisions and/or development entitlements and appropriate CEQA review from Monterey County and/or Seaside would still need to be submitted for FORA Consistency review in the future.

Option #3 is more responsive to the request because it is the most direct means of bringing BRP land use designation and text changes to the FORA Board for action. Option #2 would take more time to implement since the BRP changes would be packaged with other changes the FORA Board may decide to include, but it is likely to be more cost effective overall since it would combine BRP changes. Option #1 is the least responsive to the request. Under this option, the City of Seaside would complete its environmental review of the Endowment Fund Opportunity Parcel and other Veterans Cemetery Parcel areas, which is currently underway, and submit any General Plan and zoning amendments to the FORA Board for a Consistency Determination Review, likely sometime in 2013 or 2014. All three of the options have the potential to accomplish the same end, but have different timeframe implications.

Staff does not know for certain what the rationale is for needing to move faster on this request. Speculatively, the current Veterans Cemetery land use designations might be perceived as potentially impeding development of the proposed uses within the Veterans Cemetery Parcel.

This action would essentially move residential land use designations from County portions of the Veterans Cemetery Parcel [Ancillary (County), CCCVC (County), and Development Area with Habitat Restoration Opportunity (County)] to the City of Seaside portion of the Veterans Cemetery Parcel (Endowment Fund Opportunity Parcel)] and create 1.5 acres of office/R&D land use designation in Seaside. In sum, it would be a net gain to the Open Space/Recreation land use designation of approximately 32.2 acres, a net gain to Office/R&D designation of approximately 1.5 acres, and a net loss to SFD low density residential designation of approximately 47.6 acres. The FORA Environmental Services Cooperative Agreement Remediation Program has planned to clean the Endowment Fund Opportunity Parcel to a residential standard per the October 9, 2009 and January 7, 2010 correspondence between FORA and City of Seaside staff.

Resolution 12-XX

Resolution changing Land Use)
Designations in the 1997 Base)
Reuse Plan land use concept)
Maps and adding cemetery use)
As an allowable use under the)
Open Space/Recreation land use)
Designation)

THIS RESOLUTION is adopted with reference to the following facts and circumstances:

A. On August 10, 2012, the FORA Board of Directors directed staff to bring back a report on implementing the FORA Board's past direction or intent concerning land use designations on the Veterans Cemetery Parcel. The Veterans Cemetery Parcel consists of Army Corps of Engineers (COE) Parcels E18.1.1 (approximately 100 acres within Seaside) and E18.1.2 (approximately 78 acres within the County of Monterey).

B. On September 14, 2012, FORA staff provided a report to the FORA Board of Directors concerning the past direction and intent concerning land use designations on the Veterans Cemetery Parcel.

C. On June 13, 1997, the Fort Ord Reuse Authority ("FORA") adopted the Final Base Reuse Plan (BRP) under Government Code Section 67675, et seq. Land use designations in the land use concept maps [Fig. 3.3-1 and 3.3-2] included Military Enclave within the City of Seaside portion and Single Family Dwellings (SFD) Low Density Residential within the County of Monterey portion of the Veterans Cemetery Parcel. The Veterans Cemetery (VC) land use symbol in the land use concept maps was included in the republished 1997 BRP (2001). Table 3.4-1Permitted Range of Uses for Designated Land Uses from the 1997 BRP does not address cemeteries.

D. On December 11, 1998, the FORA Board determined that the City of Seaside's August 12, 1998 General Plan amendment was consistent with the 1997 BRP, which sustained the 1997 BRP underlying land use designations.

E. On December 10, 2004, the FORA Board determined that the City of Seaside's August 5, 2004 General Plan was consistent with the 1997 BRP, altering the City of Seaside portion of the Veterans Cemetery Parcel designations to Park and Open Space.

F. The FORA Board acted on a number of items since 2007 that provided direction and intent concerning land use designations on the Veterans Cemetery Parcel. These actions included:

- November 9, 2007 - FORA Board authorized the Executive Officer to enter into a reimbursement agreement with Monterey County for preparation of a Veterans Cemetery Development Master Plan.
- February 13, 2009 - FORA Board took an action to invest a portion of FORA's share of land sales revenue to help in creating the state enacted endowment fund.

- April 3, 2009 - FORA Board authorized the FORA Executive Officer to enter into an MOU regarding Central Coast Veterans Cemetery endowment funding (signed on April 28, 2009).
- June 12, 2009 - FORA Board authorized the FORA Executive Officer to submit a grant application to the Office of Economic Adjustment (OEA) for grant funds to support infrastructure analysis and design in the Central Coast Veterans Cemetery planning area.
- May 13, 2011 - FORA Board accepted OEA grant deliverables completed by Whitson Engineers and their sub-consultants.
- August 12, 2011 - FORA Board authorized the Executive Officer to execute the Veterans Cemetery Memorandum of Understanding (signed on March 2, 2012),

G. FORA and Seaside staff correspondence showed intent concerning land uses in the City of Seaside portion of the Veterans Cemetery Parcel (October 9, 2009 letter from Stan Cook to Diana Ingersoll concerning confirmation of future Land Uses in Parker Flats and January 7, 2010 letter from Diana Ingersoll to Stan Cook concerning confirmation of Planned Land Uses in the Parker Flats Area.)

H. This resolution formalizes previous direction and intent to change the 1997 Base Reuse Plan land use designations and land use designation text to within the Veterans Cemetery Parcel. These changes would clearly designate land uses compatible with the Veterans Cemetery, ancillary, endowment parcels, and development with habitat restoration opportunity parcels (individual areas within the Veterans Cemetery Parcel) [Figure 5.01 (**Attachment 1**) and Table 1 (**Attachment 2**)].

NOW THEREFORE be it resolved:

1. The FORA Board recognizes the previous direction and intent to change the 1997 Base Reuse Plan land use designations and land use designation text concerning the Veterans Cemetery Parcel.

2. The Board recognizes that the these land use designation changes will result in approximately 30.4 acres of SFD low density residential, 1.5 acres of Office/R&D, and 132.3 acres of open space/recreation land use designations within the Veterans Cemetery Parcel.

3. The Board has reviewed and considered the 1997 Fort Ord Base Reuse Plan Final Environmental Impact Report (FEIR) and recognizes that the these land use designation changes are less intense than allowed by the military enclave and SFD low density residential land use designations analyzed in the FEIR, which provided approximately 100 acres of military enclave and 78 acres of SFD low density residential land use designations within the Veterans Cemetery Parcel.

4. The Board recognizes that the these land use designation changes are less intense than allowed by the City of Seaside 2004 General Plan and Monterey County 2001 General Plan Amendment, which provided approximately 100 acres of park and

open space and 78 acres of SFD low density residential land use designations within the Veterans Cemetery Parcel.

5. The Board implements a text change to BRP Table 3.4-1 Permitted Range of Uses for Designated Land Uses to include cemeteries as one of the uses allowed within the Open Space/Recreation land use designation.

6. The Board implements land use concept map changes to BRP Figures 3.3-1 and 3.3-2 to adopt changes described in **Attachments 1** and **2**.

Upon motion by _____, seconded by _____, the foregoing resolution was passed on this 14th day of September, 2012, by the following vote:

AYES: Directors:
NOES:
ABSTENTIONS:
ABSENT:

I, Supervisor Potter, Chair of the Board of Directors of the Fort Ord Reuse Authority of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of the said Board of Directors duly made and entered under Item 7d, of the board meeting minutes of September 14, 2012 thereof, which are kept in the Minute Book resident in the offices of the Fort Ord Reuse Authority.

DATED_____ BY_____

Dave Potter
Chair, Board of Directors
Fort Ord Reuse Authority

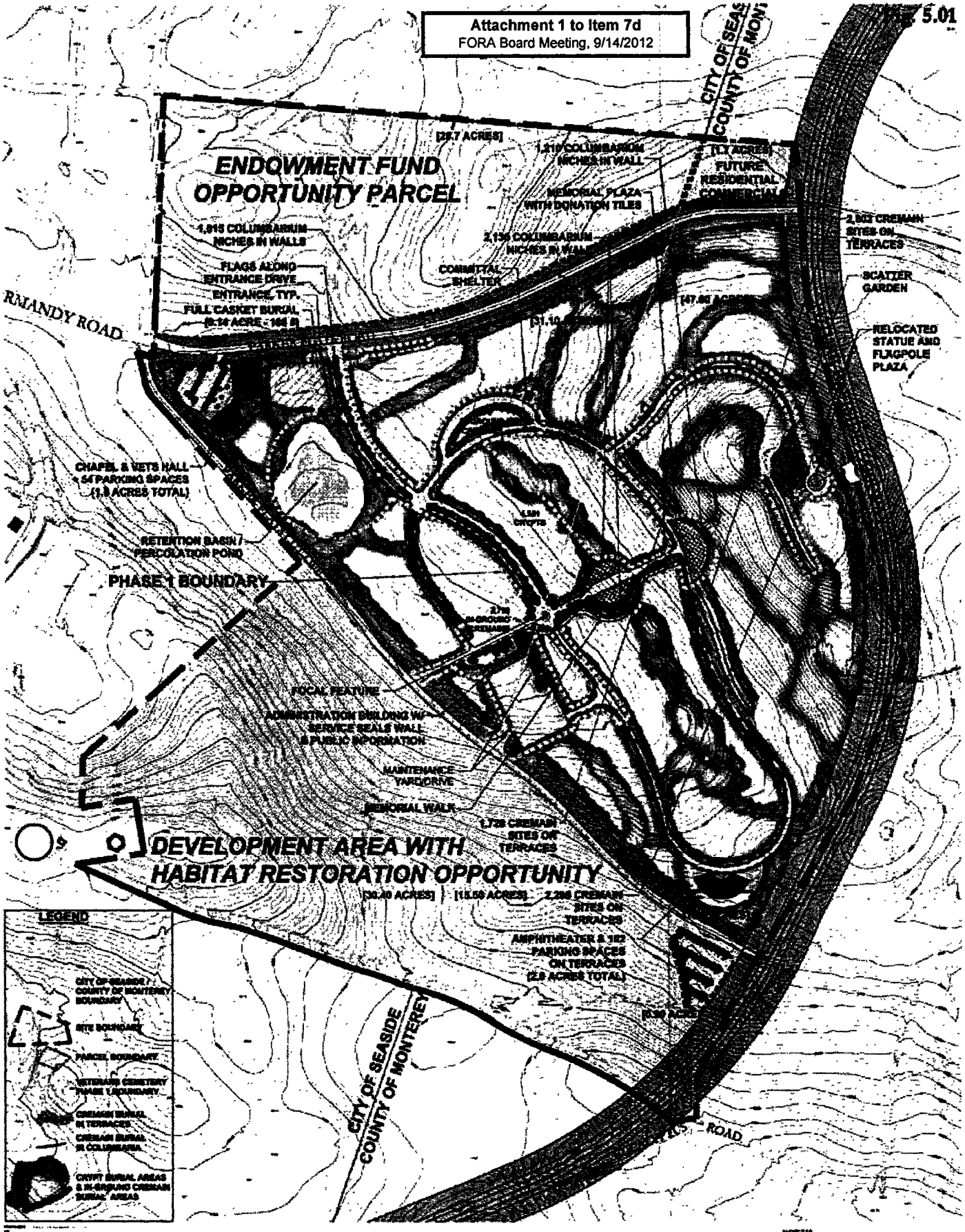

5.01
ENDOWMENT FUND OPPORTUNITY PARCEL
[28.7 ACRES]
1,319 COLUMBARIUM NICHES IN WALL
11.7 ACRES FUTURE RESIDENTIAL COMMERCIAL
MEMORIAL PLAZA WITH DONATION TILES
1,915 COLUMBARIUM NICHES IN WALLS
2,136 COLUMBARIUM NICHES IN WALL
FLAGS ALONG ENTRANCE DRIVE ENTRANCE, TYP.
COMMITTAL SHELTER
FULL CASKET BURIAL (9.14 ACRE - 166 S)
[47.65 ACRES]
[31.10
2,603 CREMAIN SITES ON TERRACES
SCATTER GARDEN
RELOCATED STATUE AND FLAGPOLE PLAZA
RMANDY ROAD
CHAPEL & VETS HALL + 54 PARKING SPACES (1.3 ACRES TOTAL)
1,331 CRYPTS
RETENTION BASIN / PERCOLATION POND
PHASE 1 BOUNDARY
2,736 IN-GROUND CREMAIN
FOCAL FEATURE
ADMINISTRATION BUILDING W/ SERVICE SEALS WALL & PUBLIC INFORMATION
MAINTENANCE YARD/ORNE
MEMORIAL WALK
1,728 CREMAIN SITES ON TERRACES
DEVELOPMENT AREA WITH HABITAT RESTORATION OPPORTUNITY
[30.40 ACRES]
[15.50 ACRES]
2,286 CREMAIN SITES ON TERRACES
AMPHITHEATER & 152 PARKING SPACES ON TERRACES (2.8 ACRES TOTAL)
[0.96 ACRE
CITY OF SEASIDE
COUNTY OF MONTEREY
ROAD
LEGEND
CITY OF SEASIDE / COUNTY OF MONTEREY BOUNDARY
SITE BOUNDARY
PARCEL BOUNDARY
VETERANS CEMETERY PHASE 1 BOUNDARY
CREMAIN BURIAL IN TERRACES
CREMAIN BURIAL IN COLUMBARIA
CRYPT BURIAL AREAS & IN-GROUND CREMAIN BURIAL AREAS
CENTRAL COAST VETERANS CEMETERY
FORMER FORT ORD - CITY OF SEASIDE - MONTEREY COUNTY, CALIFORNIA
NORTH
SEPTEMBER 2008

Table 1 – Land Use Designations changes to BRP land use concept maps (Figures 3.3-1 and 3.3-2) for the Veterans Cemetery Parcel (changes in italics)		
Parcel Name (jurisdiction)	**Approx. Acreage**	**Land Use Designation(s)**
Endowment Fund Opportunity Parcel (Seaside)	28.7	*SFD Low Density Residential*
Endowment Fund Opportunity Parcel (County)	1.7	SFD Low Density Residential
Ancillary Parcels (Seaside)	1.5	*Office/R&D*
Ancillary Parcels (County)	2	*Open Space/Recreation*
CCCVC (Seaside)	32.2	Open Space/Recreation
CCCVC (County)	52.2	*Open Space/Recreation*
Development Area with Habitat Restoration Opportunity (Seaside)	30.40	Open Space/Recreation
Development Area with Habitat Restoration Opportunity (County)	15.5	*Open Space/Recreation*

RETURN TO AGENDA

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject:	Request from Mayor Bachofner for Reconsideration of Item 8a on the August 29, 2012 FORA Board Agenda	
Meeting Date:	October 12, 2012	**ACTION**
Agenda Number:	8d	

RECOMMENDATION:

Consider request for reconsideration of Item 8a from the August 29, 2012 Board meeting.

8. OLD BUSINESS

a. Capital Improvement Program Review – Phase II Study **(2nd Vote)** ACTION
   i. Adopt Resolution to Implement a Formulaic Approach to the FORA Development Fee Schedule and Communities Facilities District Special Tax Rates
   ii. Approve Amendment #1 to the FORA-Jurisdictions Implementation Agreements to Implement a Formulaic Approach

BACKGROUND/DISCUSSION:

On August 10, 2012 the FORA Board approved the following motion by a vote of 8-4:

i. Adopt a Resolution, which would implement a formulaic approach to establishing the Fort Ord Reuse Authority (FORA) Development Fee Schedule and Community Facilities District (CFD) Special Tax rates.
ii. Authorize the Executive Officer to execute Amendment #1 to the FORA-jurisdictions Implementation Agreements, which would codify the formulaic approach to establish the FORA Development Fee Schedule and CFD Special Tax rates.
iii. Schedule Board review of the formula implementation after one year.

As the motion was not unanimously approved, it returned to the August 29, 2012 Board meeting for a second vote. The second vote resulted in approval of the item by a vote of 10-2. Subsequently, staff received a request from Mayor Bachofner for reconsideration of the item.

Attached (**Attachment A**) is the full August 29, 2012 staff report regarding this item. Robert's Rules of Order allows a voting member of the Board who voted in the affirmative to make such a request.

FISCAL IMPACT:

Reviewed by the FORA Controller

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

COORDINATION:

Executive Committee

Prepared by Lena Spilman **Approved by** Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject:	Capital Improvement Program Review – Phase II Study (2nd Vote)	
Meeting Date:	August 29, 2012	**INFORMATION/ACTION**
Agenda Number:	8a	

RECOMMENDATION(S):

Take a second vote on the August 10, 2012 motion to:

i. Adopt a Resolution, which would implement a formulaic approach to establishing the Fort Ord Reuse Authority (FORA) Development Fee Schedule and Community Facilities District (CFD) Special Tax rates (**Attachment A under Exhibit A**).

ii. Authorize the Executive Officer to execute Amendment #1 to the FORA-jurisdictions Implementation Agreements, which would codify the formulaic approach to establish the FORA Development Fee Schedule and CFD Special Tax rates (**Attachment B under Exhibit A**).

After one year, the FORA Board will review the formula to see how well it is working, and, if there are any problems, consider adjustments.

BACKGROUND:

The FORA Board of Directors reviewed the above action at its August 10, 2012 meeting – taking public comment and hearing Board member comments/questions/concerns. The above motion was not unanimous and is before the Board for a second vote at this meeting. The August 10, 2012 staff report and its attachments (**Exhibit A**) along with questions and responses on this item from the meeting (**Exhibit B**) are provided for reference.

DISCUSSION:

At the August 20, 2012 Executive Committee meeting, committee members asked staff to address the following question: What is the meaning of "available" in section 1.1 of the proposed Amendment #1 to the FORA-jurisdictions Implementation Agreements?

Section 1.1 reads:

> "1.1 The list of authorized CIP improvements (subject to escalation of costs through the San Francisco Construction Cost Index reported in the Engineering News Record, unless otherwise noted) to be funded by the Policy and CFD Special Taxes, after first applying all available FORA property tax revenues, grant funds, and land sales and lease proceeds, shall be limited to the following CEQA Mitigation Measures and corresponding base-wide obligations in FORA's CIP:"

Available FORA property tax revenues means 90% of the FORA property tax revenue stream for all new assessed value after July 1, 2012 to the anticipated end date of FORA (See section 2.1.2 of the proposed Amendment #1 to the Implementation Agreements). Staff notes that 10% of the FORA property tax revenue stream for all new assessed value after July 1, 2012 is to be allocated to the underlying jurisdictions for economic development, and FORA's existing level of property tax revenue (the level

of annual property tax revenue that had been received prior to July 1, 2012) will continue to be reserved for future FORA operations.

Available grant funds means those grant funds that support accomplishment of a FORA CIP obligation, such as the American Reinvestment and Recovery Act grant that FORA received from the Economic Development Administration in 2009 to complete roadwork along Eucalptus Road and General Jim Moore Boulevard.

Available FORA land sales and lease proceeds means those land sales and lease revenues that are in excess of FORA CIP programs for building removal and other obligations (such as caretaker costs).

The practical effect of the language is that all capital and operational obligations (also known as "Basewide Costs" in the FORA-jurisdictions Implementation Agreements) would be met prior to any dollars becoming "available" to the referenced uses.

FISCAL IMPACT:

Reviewed by FORA Controller

The funding for EPS's phase II CIP review study work has been funded through FORA's Fiscal Year 10-11,11-12, and 12-13 budgets.

COORDINATION:

Administrative Committee, CIP Committee, Executive Committee, Authority Counsel, Assemblymembers Bill Monning and Luis Alejo's offices, State Senator Anthony Cannella's office, development teams, Development Planning & Financing Group, Inc., and EPS.

Prepared by Jonathan Garcia Reviewed by D. Steven Endsley
Jonathan Garcia Steve Endsley

Approved by Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BO OLD BUSINESS	Exhibit A to Item 8a FORA Board Meeting, 8/29/12
Subject: Capital Improvement Program Review – Phase II Study	
Meeting Date: August 10, 2012 **Agenda Number:** 7d	**INFORMATION/ACTION**

RECOMMENDATION(S):

i. Adopt a Resolution, which would implement a formulaic approach to establishing the Fort Ord Reuse Authority (FORA) Development Fee Schedule and Community Facilities District (CFD) Special Tax rates (**Attachment A**).

ii. Authorize the Executive Officer to execute Amendment #1 to the FORA-jurisdictions Implementation Agreements, which would codify the formulaic approach to establish the FORA Development Fee Schedule and CFD Special Tax rates (**Attachment B**).

BACKGROUND:

The July 13, 2012 staff report (**Attachment C**) is provided for additional reference.

DISCUSSION:

At its July 13, 2012 meeting, the Board offered questions about the proposed formula. A listing of questions with responses is provided in **Attachment D**. One question was how the item was referred to the FORA Board for consideration. The Board contracted with Economic & Planning Systems' (EPS) in May 2011 to perform additional review of the FORA Capital Improvement Program and Development Fee/CFD special tax (CIP Review Phase II study) in order to further consider the appropriate fee level. During an Assembly Local Government Committee hearing on AB 1614, state legislators asked FORA to address concerns about FORA's development fee program. Since EPS was already under contract to perform this work, FORA staff directed EPS to advance their work program in Phase II concerning a formula that would provide a higher degree of certainty for FORA's development fee program while ensuring that FORA would maintain its ability to fund all of its required obligations including CEQA mitigation measures, related basewide implementation costs, and FORA operational costs. The FORA Administrative and Executive Committees reviewed the proposed formula in May, June, and July.

Another concern was the complexity of EPS's presentation of the proposed formula (**Attachment E**). An additional area of concern related to Caretaker Costs; please refer to the attached memorandum (**Attachment F**) for a discussion of these costs.

Staff believes there are straightforward answers to these questions and have included the explanations in **Attachment D**. A lot of work has been done to ensure that this policy is fair, even-handed, and treats all jurisdictions and parties in the same way. All FORA obligations to CEQA and TAMC are met by this policy, as well as offering some opportunity to assist the FORA jurisdictions cover their caretaker costs and reuse costs. Without such a formula, there is no opportunity to solve these issues equitably.

FISCAL IMPACT:

Reviewed by FORA Controller _____

The funding for EPS's phase II CIP review study work has been funded through FORA's Fiscal Year 10-11,11-12, and 12-13 budgets.

DRAFT DRAFT

Attachment A to Item 7d
FORA Board Meeting, 8/10/12

Resolution 12-___

Resolution of the Fort Ord Reuse Authority (FORA) Board establishing a formula to determine FORA's annual basewide development fee schedule and Community Facilities District (CFD) Special Tax rates)

THIS RESOLUTION is adopted with reference to the following facts and circumstances:

A. FORA has adopted a Basewide Community Facilities District ("CFD" or "CFD Special Tax") to fund, together with other revenues, the FORA CIP. Section 7 (ii) of the Implementation Agreement provides that the FORA development fee and CFD Special Tax to fund CEQA Mitigation Measures ("FORA CIP") are limited to the difference between the revenues needed for such purposes and the revenues otherwise reasonably available to achieve those purposes; and

B. FORA and its member Jurisdictions have twelve years of experience with the Basewide Development Fee Policy ("Policy") and CFD Special Tax; and

C. FORA and the Army have executed an Environmental Services Cooperation Agreement ("ESCA") providing for FORA to manage base-wide environmental remediation (including ordnance removal) funded by the Army; and

D. The Policy and CFD Special Tax provide resources to fund CEQA Mitigation Measures (FORA CIP) identified in the 1997 FORA Base Reuse Plan and CEQA Documents; and

E. FORA and its member Jurisdictions agree that land sales and lease proceeds, FORA property tax revenues, grant funds and the Policy and CFD Special Tax continue to be the appropriate sources to fund CEQA Mitigation Measures and Board-determined base-wide obligations in FORA's CIP as identified in Section 1.1; and

F. FORA recognizes the importance of calibrating the Policy and CFD Special Tax by incorporating all available resources to fund CEQA Mitigation Measures and Board-determined basewide obligations in FORA's CIP identified in Section 1.1; and

G. FORA and its member Jurisdictions acknowledge the Policy and CFD Special Tax must be fair and equitable; and

H. FORA has: 1) achieved cost savings; 2) secured grants and other contributions to the base-wide mitigation measures from federal and state sources; and 3) loaned

1.1.3 Habitat Management endowment requirements anticipated in the future Fort Ord Habitat Conservation Plan excluding costs related to an open space management plan or costs related to a regional trails system program.

1.1.4 Fire Fighting equipment ("Rolling Stock") lease-purchase of four fire engines and one water tender.

1.1.5 Other Costs and Contingencies shall be evaluated on a periodic basis in the same manner as other CIP costs and revenues. Other Costs and Contingencies are currently limited to the following:

A contingency amount not to exceed 15% of the costs of Transportation/Transit improvements for MEC construction support, soil management plans, right of way acquisition, CEQA/CESA/NEPA mitigations, unknown subsurface conditions, self insurance retention amounts and transportation/transit improvement phasing.

Additional Utility and Storm Drainage Costs which provide for restoration of storm drainage sites in State Parks land and relocation of utilities.

Other Costs for PLL insurance costs.

CFD Administration Expenses (including staff and consultant costs).

1.2 FORA will periodically adopt a formula to monitor and update the Policy and CFD Special Tax as follows:

1.2.1 The Policy and CFD Special Tax were originally designed to fund specific CIP improvements serving the overall base and local jurisdictions based upon mitigation measures required by the California Environmental Quality Act (CEQA). These mitigation measures are described in the Base Reuse Plan Environmental Impact Report (EIR) as well as the 1998 Settlement Agreement with the Ventana Chapter of the Sierra Club. This Resolution does not limit FORA's right or duty, or that of its member jurisdictions to raise sufficient funds to construct those CEQA Mitigation Measures.

1.2.2 The FORA Board will consider adjustments to the Policy and CFD Special Tax after a comprehensive review of all potential costs and revenues. The process to consider such adjustments will be defined, predictable and transparent to all stakeholders. Adjustments to the Policy and CFD Special Tax will be approved only if they are demonstrated to be fiscally prudent and do not expose FORA or its member jurisdictions to unreasonable risk.

1.2.3 In accordance with the process set forth in part II of this resolution, commencing with Section 2.1, the FORA Board will update anticipated construction costs and revenues available to fund the facilities identified in section 1.1 above, which are eligible to be funded by the Policy and CFD Special Taxes, and corresponding

b. The term on the FORA property tax stream shall be from the date of the current CIP (e.g., upcoming fiscal year) through the anticipated end date of FORA (or the proposed FORA extension end date if applicable).

c. The NPV calculation shall assume a discount rate equal to the annual average Bond Buyer Revenue Bond Index plus 50 basis points using the prior fiscal year end date (e.g., use 2012 year to date annual average at the end of FY 2011-12 for the FY 2012-13 calculation) as published in The Bond Buyer.

d. Allocate the NPV as calculated above to reduce/offset costs of CIP.

e. Allocate 10% of the actual property tax revenues collected by FORA from all new assessed value after July 1, 2012 and generated from parcels in the Fort Ord area of the member jurisdiction to the City or County for economic development to support the reuse of Fort Ord land within the relevant City or County.

2.1.3 Subtract sources of funds available under Section 2.1.2 from CIP costs to determine net cost to be funded by the Policy and CFD Special Tax.

2.1.4 Calculate Policy and CFD Special Tax revenues using the prior year Policy and CFD Special Tax Rates and the same land use assumptions used to estimate FORA property tax revenues shown above in Section 2.1.2.

2.1.5 Compare 2.1.4 with 2.1.3 and determine the amount of adjustment, if any, to the Policy and CFD Special Tax rates. In no event shall the adjusted CFD Special Tax rates exceed the Maximum CFD Special Tax rates (as escalated annually per the special tax formula).

Upon motion by _____, seconded by _____, the foregoing Resolution was passed on this 13th day of May, 2011, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

I, Supervisor Dave Potter, Chair of the Board of Directors of the Fort Ord Reuse Authority in the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of the said Board of Directors duly made and entered under Item ___, Page ___, of the Board meeting minutes of _____, 2012 thereof, which are kept in the Minute Book resident in the offices of the Fort Ord Reuse Authority.

DATED_____ BY_____

Dave Potter
Chair, Board of Directors
Fort Ord Reuse Authority

Amendment #1 to the Implementation Agreement between the Fort Ord Reuse Authority and its Member Jurisdictions

RECITALS

A. The Fort Ord Reuse Authority ("FORA") and the *member jurisdiction* have entered into an Implementation Agreement dated as of May 1, 2001 ("Implementation Agreement") to, among other purposes, identify and provide for distribution of land sale and lease revenues, FORA property tax revenues (formerly tax increment revenues), and basewide assessments or development fees as the primary sources of funding to implement the Basewide Mitigation Measure (as defined) and to pay Basewide Costs (as defined), collectively referred to as the FORA Capital Improvement Program ("CIP"); and

B. FORA has adopted a Base-wide Community Facilities District ("CFD" or "CFD Special Tax") to fund, together with other revenues, the FORA CIP. Section 7 (ii) of the Implementation Agreement provides that the FORA development fee and CFD Special Tax to fund CEQA Mitigation Measures ("FORA CIP") are limited to the difference between the revenues needed for such purposes and the revenues otherwise reasonably available to achieve those purposes; and

C. FORA and the *member jurisdiction* have twelve years of experience with the Basewide Development Fee Policy ("Policy") and CFD Special Tax; and

D. FORA and the Army have executed an Environmental Services Cooperation Agreement ("ESCA") providing for FORA to manage base-wide environmental remediation (including ordnance removal) funded by the Army; and

E. The Policy and CFD Special Tax provide resources to fund CEQA Mitigation Measures (FORA CIP) identified in the 1997 FORA Base Reuse Plan and CEQA Documents; and

F. FORA and the *member jurisdiction* recognize that land sales and lease proceeds, FORA property tax revenues , grant funds and the Policy and CFD Special Tax continue to be the appropriate sources to fund CEQA Mitigation Measures and Board-determined base-wide obligations in FORA's CIP as identified in Section 1.1; and

G. FORA and the *member jurisdiction* recognize the importance of calibrating the Policy and CFD Special Tax by incorporating all available resources to fund CEQA Mitigation Measures and Board-determined basewide obligations in FORA's CIP identified in Section 1.1.; and

exceed $112,698,595 (as escalated) unless the obligation is otherwise reduced by TAMC and FORA.

1.1.2 Water Augmentation, which includes FORA's CEQA obligation for the approved water augmentation project and FORA's voluntary contribution to help offset water capacity charge increases. FORA's CEQA obligation is subject to annual escalation, while the voluntary contribution is not.

1.1.3 Habitat Management endowment requirements anticipated in the future Fort Ord Habitat Conservation Plan excluding costs related to an open space management plan or costs related to a regional trails system program.

1.1.4 Fire Fighting equipment ("Rolling Stock") lease-purchase of four fire engines and one water tender.

1.1.5 Other Costs and Contingencies shall be evaluated on a periodic basis in the same manner as other CIP costs and revenues. Other Costs and Contingencies are currently limited to the following:

A contingency amount not to exceed 15% of the costs of Transportation/Transit improvements for MEC construction support, soil management plans, right of way acquisition, CEQA/CESA/NEPA mitigations, unknown subsurface conditions, self insurance retention amounts and transportation/transit improvement phasing.

Additional Utility and Storm Drainage Costs which provide for restoration of storm drainage sites in State Parks land and relocation of utilities.

Other Costs for PLL insurance costs.

CFD Administration Expenses (including staff and consultant costs).

1.2 FORA will periodically adopt a formula to monitor and update the Policy and CFD Special Tax, as follows

1.2.1 The Policy and CFD Special Tax were originally designed to fund specific CIP improvements serving the overall base and local jurisdictions based upon mitigation measures required by the California Environmental Quality Act (CEQA). These mitigation measures are described in the Base Reuse Plan Environmental Impact Report (EIR) as well as the 1998 Settlement Agreement with the Ventana Chapter of the Sierra Club. This agreement does not limit FORA's right or duty, or that of its member jurisdictions to raise sufficient funds to construct those CEQA Mitigation Measures.

1.2.2 The FORA Board will consider adjustments to the Policy and CFD Special Tax after a comprehensive review of all potential costs and revenues. The process to consider such adjustments will be defined, predictable and

a. Current FORA CIP build-out assumptions as shown to estimate CFD special tax revenue.

b. Current market data assumptions to estimate assessed values for each land use type.

Formula:

a. Calculate the net present value (NPV) of 90% of the FORA property tax revenue stream for all new assessed value after July 1, 2012.

b. The term on the FORA property tax stream shall be from the date of the current CIP (e.g., upcoming fiscal year) through the anticipated end date of FORA (or the proposed FORA extension end date if applicable).

c. The NPV calculation shall assume a discount rate equal to the annual average Bond Buyer Revenue Bond Index plus 50 basis points using the prior fiscal year end date (e.g., use 2012 year to date annual average at the end of FY 2011-12 for the FY 2012-13 calculation) as published in The Bond Buyer.

d. Allocate the NPV as calculated above to reduce/offset costs of CIP.

e. Allocate 10% of the actual property tax revenues collected by FORA from all new assessed value after July 1, 2012 and generated from parcels in the Fort Ord area of the *member jurisdiction* to the City or County for economic development to support the reuse of Fort Ord land within the relevant City or County.

2.1.3 Subtract sources of funds available under Section 2.1.2 from CIP costs to determine net cost to be funded by the Policy and CFD Special Tax.

2.1.4 Calculate Policy and CFD Special Tax revenues using the prior year Policy and CFD Special Tax Rates and the same land use assumptions used to estimate FORA property tax revenues shown above in Section 2.1.2.

2.1.5 Compare 2.1.4 with 2.1.3 and determine the amount of adjustment, if any, to the Policy and CFD Special Tax rates. In no event shall the adjusted CFD Special Tax rates exceed the Maximum CFD Special Tax rates (as escalated annually per the special tax formula).

III. ENFORCEMENT

3.1 This agreement is entered into for the benefit of FORA and the *member jurisdiction* subject to the Policy and CFD Special Tax, and may be subject to dispute resolution and enforced by FORA or the *member jurisdiction* subject to the Policy and CFD Special Taxes in the same manner and process set forth for dispute resolution and under Section 17 of the Implementation Agreement.

FORT ORD REUSE AUTHORITY BOARD REPORT

OLD BUSINESS

Subject:	Capital Improvement Program Review – Phase II Study	
Meeting Date:	July 13, 2012	**INFORMATION/ACTION**
Agenda Number:	6e	

RECOMMENDATION(S):

i. Adopt Resolution 12-05, which would implement a formulaic approach to establishing the Fort Ord Reuse Authority (FORA) development fee schedule and Community Facilities District (CFD) Special Tax rates (**Attachment A**).

ii. Authorize the Executive Officer to execute Amendment #1 to the FORA-jurisdictions Implementation Agreements, which would codify the formulaic approach to establish the FORA development fee schedule and CFD Special Tax rates (**Attachment B**).

iii. Authorize the Executive Officer to execute contract amendment #5 with Economic and Planning Systems (EPS) to complete the Phase II Study in FY 12/13 (**Attachment C**), not to exceed additional budget authority of $60,000.

BACKGROUND:

In 1997, the FORA Board adopted the Base Reuse Plan which contained a number of environmental mitigations. The Board also adopted a series of findings that include funding those environmental mitigation measures (habitat, traffic, transit, fire protection, storm drainage, etc.). In 1999, the FORA Board adopted a Development Fee Schedule that collects fees from Fort Ord reuse projects to finance the Base Reuse Plan mitigations and Board-determined base-wide obligations in FORA's Capital Improvement Program (CIP). The Board and five jurisdictions adopted Implementation Agreements in 2001 to ensure (among other items) funding of environmental mitigations and basewide obligations. The FORA Board confirmed its CIP financing program with adoption of the FORA Community Facilities District in May 2002.

FORA's successful implementation of CIP projects through Development Fee payments, CFD special tax collections, and State and Federal grant proceeds resulted in a need to review FORA's CIP in fiscal year (FY) 2010/2011. At the end of the process, the FORA Board determined that:

1) A reduction in the FORA Development Fee and CFD special tax rates was appropriate and reduced these rates by 27 percent.
2) Several important factors would impact fees in the FY 2012/2013 timeframe warranting a phase II study, which the Board subsequently authorized.

This recommendation for adopting a formula is a follow up to the FORA Development Fee and CFD special tax program and offers to FORA, its jurisdictions, developers, and the community a consistent and predictable approach to costs and revenues to meet all FORA CIP obligations.

Since redevelopment agencies were eliminated by State Law, FORA's land use jurisdictions have been looking for ways to fund their reuse programs. This formula would provide for diverting 10% of future FORA property tax revenues generated within FORA's land use

California's dissolution of redevelopment and endowment holder requirements for the future Habitat Conservation Plan, it was deemed prudent to have EPS study those elements of Phase II first. However, during legislative hearings on FORA's extension (AB1614), the issue of a change in FORA's approach to both the development fee and CFD Special Tax rates was proposed to reduce uncertainty for all parties. This is a uniquely FORA issue. It is not one that can be resolved by state legislation.

EPS, working with FORA staff, developed a standardized formula for establishing the development fee. That formula was reviewed by the FORA Administrative Committee at five meetings in May and June 2012. At its May 30, 2012 meeting, the committee considered the proposed formula as it might be implemented through a draft FORA Board resolution and an amendment to the FORA-jurisdictions Implementation Agreements. The proposed formula would match FORA revenue sources to FORA obligations and set an appropriate fee level consistent with obligations. Staff would apply any adjustments to FORA's development fee and CFD Special Tax resulting from the formula within 90 days of finalizing Implementation Agreement Amendment #1 with the five Jurisdictions and, thereafter, staff would integrate the formula into the FORA Board's consideration of the FORA Capital Improvement Program on a periodic basis. At its May 30, 2012 meeting, the Administrative Committee passed a motion recommending that a draft resolution and draft amendment to the Implementation Agreements be presented to the FORA Board after several edits were made. At its June 13, 2012 meeting, the Adminimistrative Committee asked staff/EPS to return to its June 27, 2012 meeting with a model illustration (**Attachment D**) and calculation of the formula (**Attachment E**) so that every component of the proposed formulaic approach is easily understood and end-result modeled.

FISCAL IMPACT:
Reviewed by FORA Controller

The funding for EPS's phase II CIP review study work has been funded through FORA's FY 10-11 and 11-12 budgets. The FY 12-13 budget includes $60,000 for this proposed amendment.

COORDINATION:

Administrative Committee, CIP Committee, Executive Committee, Authority Counsel, Assemblymember Bill Monning and Luis Alejo's offices, development teams, Development Planning & Financing Group, Inc., and EPS.

Prepared by Jonathan Garcia Reviewed by Steve Endsley

Approved by Michael A. Houlemard, Jr.

Attachment D to Item 7d
FORA Board Meeting, 8/10/12

Questions from the July 13, 2012 FORA Board meeting concerning the Phase II study formulaic approach

1. Where did this item come from?

Further consideration of the appropriate level of developer fees has been included in the Phase II work plan from the outset. In addition, several concerns about FORA's development fee program surfaced at the Assembly Local Government Committee hearing on AB 1614, legislation proposing an extension to FORA. State legislators asked FORA to address these concerns in the short-term while AB 1614 was under consideration by the State legislature. Since EPS was already under contract to perform this work, FORA staff directed EPS to advance their work program in Phase II concerning a formula that would provide a higher degree of certainty for FORA's development fee program while ensuring that FORA would maintain its ability to fund all of its required obligations including CEQA mitigation measures, related basewide implementation costs (e.g., building removal, property management/caretaker costs), and FORA operational costs. The FORA Administrative and Executive Committees reviewed this proposed formula in May, June, and July.

2. Why should we adopt this formula at the current time? The proposed change in fee is less than 5%.

It is important to consider that adopting the formula at this time does not immediately adjust the Developer Fee or CFD Special Tax. The "change in fee" described at the July 13 Board hearing was based upon preliminary calculations completed at the request of the FORA Administrative Committee. The preliminary calculations were intended to provide an order of magnitude look at how the Developer Fee and CFD Special Tax might adjust if the formulaic approach were adopted as proposed. The response to question #3 below provides some additional context.

3. Why shouldn't we wait until the Phase II study and/or BRP Reassessment are complete?

FORA's development fee program was reviewed in Phase I through a process that looked at program assumptions, fee calculations, and results. In the end, the FORA Board reviewed the results and concluded that the fee could be reduced by 27%, keeping the program whole.

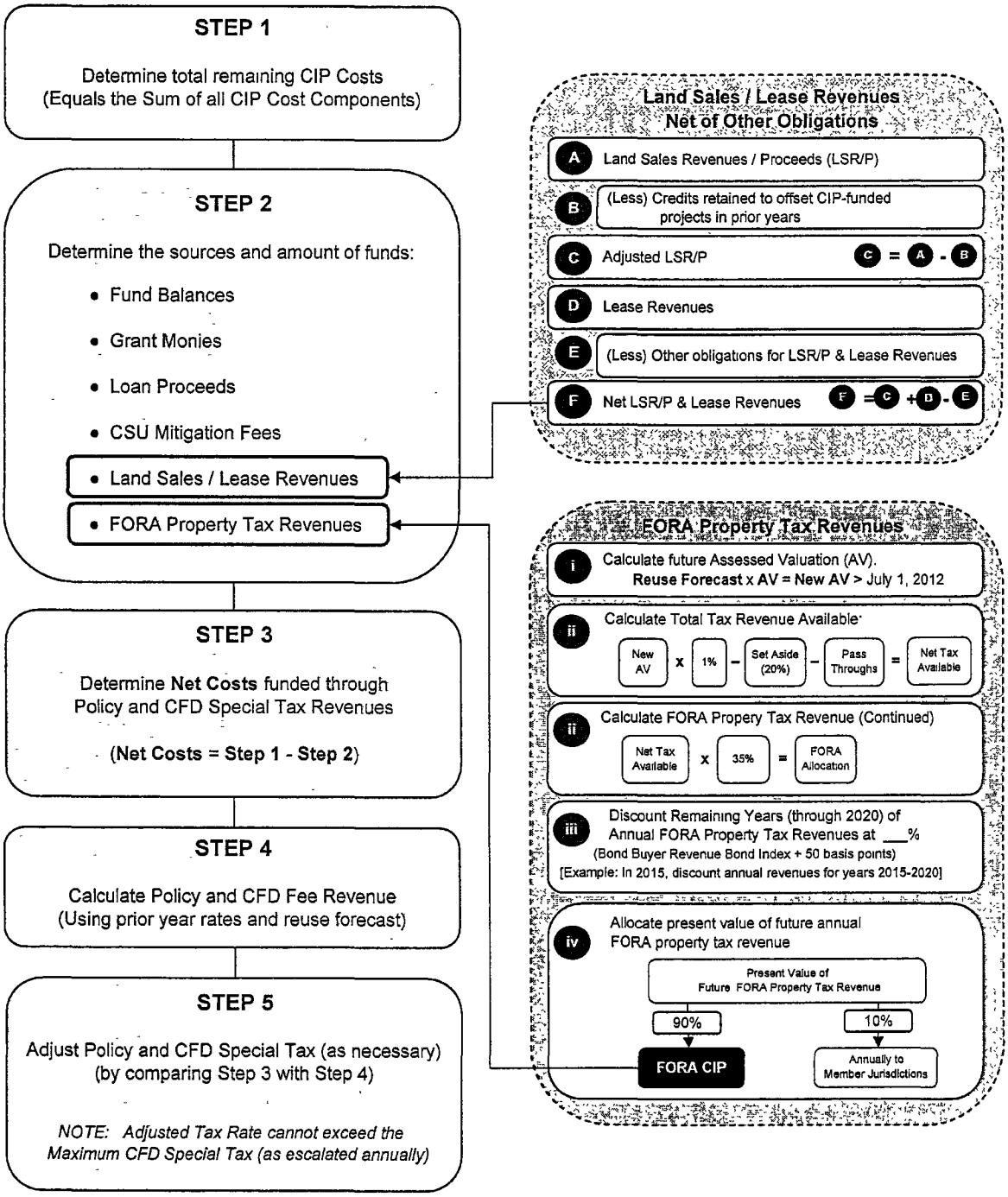
The FORA Board determined at that time that it also needed to conduct a Phase II CIP study because several factors warranted review. EPS is reviewing program assumptions, fee calculations, and results. EPS's work on the formulaic approach pertains to the fee calculations portion of their work program. EPS will still complete its review of assumptions and calculate results. Adopting a formula at this time does not prejudge future results. Implementing the formula in any given year may result in a fee decrease or a fee increase.

Waiting until completion of Phase II to adopt the formula would not provide any additional information about the applicability of the formula, its fairness, technical soundness, and so on. Likewise, waiting until completion of the BRP Reassessment provides no additional technical information about the soundness of the formula. The BRP Reassessment document is an informational report. The Board has discretion on whether or not to act on any items identified in the report. In both cases, once the formula is in place, all issues of policy remain ripe for further discussion.

follows the original language from Section 7 of the Implementation Agreement(s) wherein identified revenues are subtracted from CIP costs to derive a remaining amount to be funded through the Developer Fee Policy and CFD Special Tax. With ten years experience in preparing the annual CIP updates and in administering the Fees and CFD Special Taxes, application of the formula can be routinized into the annual capital improvement program planning process the Board is familiar with.

DRAFT

Attachment E
Annual Process to Update
Basewide Development Fee Policy
and CFD Special Tax



Prepared by EPS 7/3/2012

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

Attachment F to Item 7d
FORA Board Meeting, 8/10/12

MEMORANDUM

Date: July 26, 2012

To: Fort Ord Reuse Authority ("FORA") Administrative Committee

CC: Michael A. Houlemard, Jr., Executive Officer
Steve Endsley, Assistant Executive Officer

From: Jonathan Garcia, Senior Planner

Re: Caretaker Costs, item 7b

The purpose of this memo is to provide information on Caretaker/Property Management Costs on former Fort Ord. Over the last few months, Caretaker Costs have been discussed in conjunction with the FORA Capital Improvement Program ("CIP") Review - Phase II study/formulaic approach. It was suggested that FORA staff provide additional background on Caretaker costs for future discussion. In preparation of this memo, FORA staff reviewed background material on caretaker costs from the late 1990's to present.

Caretaker status has been defined by U.S. Army regulation as "the minimum required staffing to maintain an installation in a state of repair that maintains safety, security, and health standards." This Army term may have generated the context of FORA's analysis of Caretaker costs in the late 1990's. Caretaker costs were first described in the FORA CIP in FY 2001/2002 as a $14 million dollar cost with footnote reading: "Costs associated with potential delays in redevelopment and represent interim capital costs associated with property maintenance prior to transfer for development (as per Keyser-Marston truthing of caretaker and other costs)."

FORA has maintained Caretaker costs in its annual CIPs since the initial FY 2001/2002 CIP. Within the last five years, FORA and County of Monterey Office of Housing and Redevelopment staff discussed property management costs associated with the County's habitat property described in the draft Fort Ord Habitat Conservation Plan ("HCP"). FORA and its HCP consultant note that trails planning/maintenance costs for public access on these properties are costs that the U.S. Fish and Wildlife Service/California Department of Fish and Game do not allow to be funded by the HCP, but should be funded by other jurisdictional resources.

During FORA's CIP review – Phase I Study, concluded in May 2011, FORA's financial consultant recommended that Caretaker/Property Management costs be removed from FORA's CIP Contingencies because no costs had been defined. FORA jurisdictions requested that Caretaker costs be added back in order to cover basewide property management costs, should they be demonstrated.

Exhibit B to Item 8a
FORA Board Meeting, 8/29/12

Questions from the August 10, 2012 FORA Board meeting concerning the Phase II study formulaic approach

1. **Should FORA be in a position to fund Caretaker Costs, would FORA use its General Fund to reimburse jurisdictions for these costs?**

   At the August 10, 2012 Board meeting, staff responded that FORA Assessment District Counsel opined that the FORA CFD Special Tax is not an eligible funding source for Caretaker Costs. Therefore, funding for Caretaker Costs would need to come from land sale proceeds or other FORA revenue sources.

2. **Would FORA only be able to fund Caretaker Costs in the first year?**

   At the August 10, 2012 Board meeting, staff responded that this policy could be reviewed every two years or so, but FORA wouldn't have to lock itself into a particular trigger year for caretaker expenses. Also, as covered in a memorandum for Item 7b (August 10, 2012 meeting), jurisdictions will be expected to identify and document ongoing caretaker costs that are anticipated and the Board would approve expenditures at the time the CIP is adopted (usually May-June). The memorandum describes that as each jurisdiction documents the incidence of caretaker costs that jurisdiction could continue to request FORA funding for caretaker costs to the extent that funding is available.

3. **Would adopting this policy lock FORA in, preventing FORA from increasing its contributions to the Water Augmentation Program?**

   At the August 10, 2012 Board meeting, staff responded that this issue dates back to a prior decision that this Board made to make a capped dollar amount contribution to the augmentation program. So, the matter is looking at what the cost of that water augmentation program might be, and the item dates back to the previous discussion where FORA is going to have to sit down with MCWD and discuss what exactly those costs are. It is possible that the costs could go down. Maybe the program will only need $10 million, but that will need confirmation. What this process does is it allows us to be constantly working through those numbers so that we do it in a more formalized way rather than doing it on the fly so that FORA can work through some of the kinds of contingencies that are being suggested (such as a hypothetical situation of needing to increase FORA's contributions to the Fort Ord Water Augmentation Program).

   The policy established by the Board was to provide an equitable way to distribute the cost of improvements across the augmentation system rather than having those that access the existing water pay less while future folks pay more, or vice versa. What is the proper balance between a rate-based system and the cost to connect (hook-up fees, etc.). There was a need to be equitable because the reuse is considered to be basewide. And that's been the policy that has been carried forward since the Board made that decision. It would be a policy change to change the cap. The other side was, the FORA Board said that the developers need to pay a fair share of this cost and there would be a future capital charge for developers. So the Board figured the identified amount was their equitable share.

8. **Does this formulaic approach commit FORA funds upfront, including fund balances, loan proceeds, and grant monies?**

   The formulaic approach identifies all sources of revenue and funding that can be used to fund FORA's CIP and related Board-determined basewide obligations. Existing fund balances, loan proceeds and grant monies are examples of revenue sources that would be quantified as the formulaic approach is periodically updated. While the formulaic approach identifies funding from all available sources, it does not specify or commit FORA to any specific costs or timing within which certain funding sources would be used. Obviously, grant funds, fund balances, and loan proceeds will be used for the original intended purpose, unless unrestricted. The timing of revenues and expenditures would continue to be reviewed and approved by the FORA Board through its annual CIP update process.

9. **By voting for this policy, can we look at fees and caretaker issues as needed, or are we saying that we are locked in for an indefinite period of time?**

   At the August 10, 2012 Board meeting, staff responded that, if the motion that was made calls for a decision that will be reviewed in a year, then, in fact, you are making a decision today that will be reviewed with the CIP next year (9 months from now). If the formulaic approach is adopted today, it is likely that the Phase II Study to apply the new formula could return to the Board in two to three months. This means the Board has an opportunity to proceed in a stepwise process with frequent opportunity to test assumptions. Staff thinks the Board's hands are not tied by voting for the motion. The idea is to give more definition and to give more reliability, and at the same time provide sufficient flexibility for the FORA Board to make future decisions. It's a delicate balance. Depending on how you read it, you might see flexibility or restriction.

RETURN TO AGENDA

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject:	Outstanding Receivables	
Meeting Date:	October 12, 2012	**INFORMATION**
Agenda Number:	9a	

RECOMMENDATIONS:

Receive a Fort Ord Reuse Authority (FORA) outstanding receivables update as of September 30, 2012.

BACKGROUND/DISCUSSION:

FORA has one outstanding receivable. 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
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
	DRO Total			*694,920*

City of Del Rey Oaks (DRO)

- PLL insurance annual payments: In 2009, DRO cancelled agreement with its project developer who made 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 remain current.

Payment status: First Vice Chair Mayor Edelen informed both the Board and Executive Committee that DRO has selected a new development partner to meet this obligation. DRO is currently negotiating this item with the development entity.

FISCAL IMPACT:

FORA must expend resources or borrow funds until 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:

Executive Committee

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

RETURN TO AGENDA

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject:	Administrative Committee Report	
Meeting Date: **Agenda Number:**	October 12, 2012 9b	**INFORMATION**

RECOMMENDATION:

Receive a report from the Administrative Committee.

BACKGROUND/DISCUSSION:

The approved minutes from the September 5, 2012 (**Attachment A**) and September 19, 2012 (**Attachment B**) Administrative Committee meetings are attached for your review.

FISCAL IMPACT:

Reviewed by the FORA Controller

Staff time for the Administrative Committee is included in the approved annual budget.

COORDINATION:

Administrative Committee

Prepared by Lena Spilman **Approved by** Michael A. Houlemard, Jr.

Fort Ord Reuse Authority

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

ADMINISTRATIVE COMMITTEE MEETING
8:15 A.M. WEDNESDAY, SEPTEMBER 5, 2012
910 2nd Avenue, Marina CA 93933 (on the former Fort Ord)

APPROVED

MINUTES

1. CALL TO ORDER

Co-Chair Houlemard called the meeting to order at 8:17 a.m. The following were present, as indicated by signatures on the roll sheet:

Carl Holm, County of Monterey*
Diana Ingersoll, City of Seaside*
Elizabeth Caraker, City of Monterey*
Doug Yount, City of Marina*
Debby Platt, City of Marina*
Vicki Nakamura, MPC
Carl Niizawa, MCWD
Graham Bice, UC MBEST
Pat Ward, Bestor Engineers, Inc.
Bob Schaffer, MCP
Patrick Breen, MCWD
Greg Nakanishi, CCVC Foundation

Kathleen Lee, Sup. Potter's Office
Chuck Lande, Marina Heights
Michael Groves, EMC Planning
Beth Palmer, Monterey Downs

Michael Houlemard, FORA
Steve Endsley, FORA
Jonathan Garcia, FORA
Darren McBain, FORA
Stan Cook, FORA
Jim Arnold, FORA
Crissy Maras, FORA
Lena Spilman, FORA

* Voting Members

2. PLEDGE OF ALLEGIANCE

Doug Yount led the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Co-Chair Houlemard stated that both AB 1842 and AB 1614 had passed through the state legislature and were on the Governor's desk for signature. He discussed his participation in a recent Carmel Town Hall Meeting scheduled by Mayor Burnett and Supervisor Potter to discuss FORA activities.

4. PUBLIC COMMENT PERIOD

Jane Haines, Sierra Club Ventana Chapter, discussed the Sierra Club's letter to FORA regarding the draft Scoping Report.

5. APPROVAL OF AUGUST 15, 2012 MEETING MINUTES

Carl Holm, Michael Groves, and Tim O'Halloran asked that their names be included in the list of meeting attendees for the August 15, 2012 meeting.

MOTION: Carl Holm moved, seconded by Doug Yount, and the motion passed to approve the August 15, 2012 Administrative Committee meeting minutes, as amended. Diana Ingersoll abstained from voting, as she had not been present at the meeting in question.

6. AUGUST 29, 2012 FORA BOARD MEETING FOLLOW-UP

b. Base Reuse Plan Reassessment Next Steps

Assistant Executive Officer Steve Endsley discussed the various opportunities for the public to submit comments during the Reassessment process. Justin Wellner asked whether CSUMB's comments would be included in the final Scoping Report. Michael Groves stated they would be included.

a. Development Fee Formulaic Approach Follow-up
Co-Chair Houlemard stated the Board had approved a resolution adopting the formulaic approach to developer's fees at their August 29, 2012 meeting. In order to participate, the jurisdictions were required to execute an implementation agreement. The cities of Del Rey oaks and Marina had already agendized the agreement for approval at their next Council meetings.

7. SEPTEMBER 14, 2012 FORA BOARD MEETING AGENDA REVIEW
Co-Chair Houlemard announced that CSUMB Interim President Eduardo Ochoa had requested time to address the Board, which would likely be agendized under Announcements on September 14, 2012. He briefly discussed each of the items on the upcoming Board agenda. Senior Planner Jonathan Garcia reviewed the land use designations for the veterans cemetery parcels and the history of the efforts to establish the cemetery. Beth Palmer inquired as to the CEQA work that had been previously completed for the parcels.

Jack Stewart, United Veteran's Council and County Citizen's Advisory Council, stated that the United Veteran's Council formally requested the Board approve staff recommendation #3, as listed in the Board report. Greg Nakanishi, Central Coast Veteran's Cemetery Board of Directors, also spoke in support of staff recommendation #3. He stated that to relocate the cemetery would delay the project by 10-20 years. Diana Ingersoll stated that the Seaside General Plan, which FORA had deemed consistent with the Base Reuse Plan, designated the parcels that would allow a veterans cemetery as a use. On September 10, 2012, the Seaside City Council would consider approval of a letter to FORA regarding Item 7d on the September 14, 2012 FORA Board agenda.

Co-Chair Houlemard offered that staff would work with Seaside to modify the staff report to reflect the Committee's discussion.

8. OLD BUSINESS

a. Veterans Cemetery Parcel Land Use Designations
Co-Chair Houlemard stated the matter had already been discussed under Item 7a, and the Committee had no objections.

b. Habitat Conservation Plan Update
Mr. Garcia reported that staff received comments from the California Department of Fish and Game, which they were currently working to address. He reviewed the revised timeline for release of the document and noted staff was hopeful that progress would continue to move forward.

c. Master Resolution/Settlement Agreement Compliance-Deed Notifications Update
Real Property and Facilities Manager Stan Cook provided a status update regarding outstanding deed notifications required to be completed by the jurisdictions.

9. NEW BUSINESS
None.

10. ADJOURNMENT
Carl Holm moved, seconded by Graham Bice, and the motion passed unanimously to adjourn the meeting at 9:30 p.m.

Minutes Prepared by Lena Spilman, Deputy Clerk

Approved by:

_____
Michael A. Houlemard, Jr., Executive Officer

Fort Ord Reuse Authority

920 2nd Avenue, Suite A, Marina, CA 93933
Phone: (831) 883-3672 • Fax: (831) 883-3675 • ww

ADMINISTRATIVE COMMITTEE MEETING
8:15 A.M. WEDNESDAY, SEPTEMBER 19, 2012
910 2nd Avenue, Marina CA 93933 (on the former Fort Ord)

APPROVED

MINUTES

1. **CALL TO ORDER**
Chair Dawson called the meeting to order at 8:18 a.m. The following were present, as indicated by signatures on the roll sheet:

John Dunn, City of Seaside*
Elizabeth Caraker, City of Monterey*
Debby Platt, City of Marina*
Carl Holm, County of Monterey*
Diana Ingersoll, City of Seaside
Greg Nakanishi, CCVC Foundation
Pat Ward, Bestor Engineers, Inc.
Rob Robinson, BRAC
Dana Mathes, County of Monterey
Patrick Breen, MCWD
Brian Boudreau, Monterey Downs
Kathleen Lee, Sup. Potter's Office

Bob Rench, CSUMB
Graham Bice, UCSC
Bob Schaeffer, MCP

Michael Houlemard, FORA
Steve Endsley, FORA
Jonathan Garcia, FORA
Darren McBain, FORA
Stan Cook, FORA
Jim Arnold, FORA
Crissy Maras, FORA
Lena Spilman, FORA

* Voting Members

2. **PLEDGE OF ALLEGIANCE**
Bob Schaeffer led the Pledge of Allegiance.

3. **ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**
None.

4. **PUBLIC COMMENT PERIOD**
No comments were received.

5. **APPROVAL OF SEPTEMBER 5, 2012 MEETING MINUTES**

MOTION: Carl Holm moved, seconded by John Dunn, and the motion passed to approve the September 5, 2012 Administrative Committee meeting minutes as presented.

6. **SEPTEMBER 15, 2012 FORA BOARD MEETING FOLLOW-UP**
Assistant Executive Officer Steve Endsley provided an overview of the actions taken by the Board at their September 15, 2012 Board meeting.

7. **ADJOURNMENT**
Chair Dawson adjourned the meeting at 9:17 p.m. due to lack of a quorum.

Minutes Prepared by Lena Spilman, Deputy Clerk

Approved by:

Michael A. Houlemard, Jr., Executive Officer

RETURN TO AGENDA

FORT ORD REUSE AUTHORITY BOARD REPORT

EXECUTIVE OFFICER'S REPORT

Subject:	Public Correspondence to the Board	
Meeting Date: **Agenda Number:**	October 12, 2012 9c	**INFORMATION**

RECOMMENDATION:

Receive a report from the Executive Officer.

BACKGROUND/DISCUSSION:

Public correspondence submitted to the Board is posted to FORA's website on a monthly basis and is available to view at http://www.fora.org/Board/PublicComm.html.

Correspondence may be submitted to the Board via email to board@fora.org or mailed to the address below:

FORA Board of Directors
920 2nd Avenue, Suite A
Marina, CA 93933

FISCAL IMPACT:

Reviewed by the FORA Controller

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

COORDINATION:

Executive Committee

Prepared by Lena Spilman **Approved by** Michael A. Houlemard, Jr.