May 7, 2015

Re: Status of Annexation of Ord Community into MCWD Service Area

At the FORA Board meetings on March 13 and April 10, 2015, Board members and the public asked Marina Coast Water District (MCWD) on the status of the annexation of the Ord Community into MCWD Service Area while considering the desalination proposal from MCWD. MCWD actually provided information on the annexation and Ratepayers Advisory Committee to FORA Water and Wastewater Oversight Committee (WWOC) at their January, March and April 2015 meetings. As MCWD appointed representative to FORA, I would like to provide an update on the status of the annexation to FORA Board as follows.

On October 31, 2011, MCWD completed a Draft Initial Study and Negative Declaration for the Ord Community Sphere of Influence (SOI) Amendment and Service Area Annexation Project and held a public hearing on January 10, 2012.

Subsequently, MCWD submitted the SOI Amendment and annexation application to the Local Agency Formation of Monterey County (LAFCO) for water and wastewater services. Seaside County Sanitation District (SCSD) also submitted an application to annex the area within the City of Seaside city limits within the Ord Community for sewage or wastewater services.

LAFCO informed MCWD and SCSD that both agencies needed to resolve the conflict in annexation boundaries before LAFCO could process both applications.

On February 7, 2014, I asked SCSD to meet to discuss the annexation. Mayor Rubio replied on February 14, 2014 that a meeting with two SCSD Board members might violate Brown Act and, therefore, SCSD could not meet.

On April 18, 2014, then MCWD President Moore informed Mayor Rubio that MCWD Board has appointed an Annexation Ad Hoc Committee and would like to meet SCSD to discuss the annexation.

On May 14, 2014, Mayor Rubio notified MCWD that he was authorized by SCSD to meet MCWD. He also provided MCWD with an Engineering Analysis on the proposed annexed wastewater system dated May 2014 and prepared by the Wallace Group. Subsequently, Mayor Rubio met then President Moore.

Then MCWD reviewed and provided comments on the SCSD Engineering Analysis on January 23, 2015.

Last month, SCSD staff met MCWD staff and expressed that SCSD wanted to annex the entire service area within the Seaside city limits into SCSD service area for wastewater services. The issues for such annexation are as follows:

1. Sewage from certain area such as CSUMB currently flows to MCWD service area. If CSUMB does not want to be annexed to SCSD, it would solve part of this problem. Otherwise, SCSD will have to divert all sewage that currently flows to MCWD service area to SCSD service area.
2. SCSD currently does not own any trunk main or facility that can convey sewage from residences, businesses or institutions to the regional lift station owned by Monterey Regional Water Pollution Control Agency (MRWPCA). Seaside consultant recommended that SCSD negotiates with MCWD to use MCWD facilities for such sewage conveyance.

3. To collect and convey sewage flows from the proposed Monterey Downs project, SCSD will also need to modify the existing sewer system.

   The Ord Community annexation for wastewater services could not be resolved until SCSD makes decisions on how they could divert all existing sewage flows to their service area and either build or lease MCWD facilities to convey Seaside sewage to the MRWPCA lift station. MCWD is waiting for decisions from SCSD.

   In the meantime, the Outreach Committee of MCWD plans to discuss the formation of a Ratepayers Advisory Committee for the Ord Community this month and then makes recommendation to MCWD Board for approval and invite Ord residents and large customer representatives and institutions to apply for members of this Advisory Committee.

   On the water service, no entity has expressed a desire to annex the Ord Community to their service area. It appears that MCWD could amend the SOI and annex the Ord Community water service into MCWD water service area without much opposition.

   I hope I provide up-to-date information on the current status of the Ord Community Annexation process and am happy to answer your questions.

Sincerely,

Peter Le P.E. MASCE
FORA Ex-officio Member
Vice President, MCWD

cc: Board of Directors, MCWD
    Board of Directors, LAFCO

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To FORA Board and staff members - On behalf of the Building Trades Council I offer this to Bd. members who expressed concerns at today's FORA meeting re: Item 9a. No one wants FORA to be responsible for things they are not legally responsible for. The State will either determine that all projects within FORA's jurisdiction are Public Works or not regardless of how questions in letters to the State were worded. FORA is not the one making the determination and the State will research and investigate the facts before a determination is made. FORA is not the only agency in the State with concerns regarding SB 854, we must be patient.

FORA is responsible for those who are not following the Master Resolution. The Building Trades Council have been patient regarding Marina's ignoring their responsibility as to the enforcement of the payment of PW's and crimes being committed in their jurisdiction. (In fact we have concerns with the County at East Garrison but the County has hired a compliance group to back check the work of the Developer chosen compliance group and have them auditing the current work of the same compliance group). Marina rejects its responsibility. Marina says it's not a priority and they have no staff for enforcement. They are aware of the violations and have done little to correct them. I will refer the Board to 1.02 of the Master Resolution (Enforcement of the MR). The M/SC BCTC believes it is time to bring Marina into compliance. The integrity and authority of the MR and FORA is at stake. This is for FORA to do and if not done a legal remedy may be in order.

Housing affordability - We find it interesting that the same people who fight for affordable housing (their motives are questionable to us) also fight for everything to keep it from happening. This area lacks or is in jeopardy of losing the infrastructure needed to develop housing. Lack of water, adequate roads, and land to build houses has caused a tremendous pent up demand for housing along the coastal region. When demand exceeds supply prices go up. This along with the picturesque attraction of the area which has made it very desirable over time compounds the problem. The affordable housing lies within the older housing areas of Seaside, Marina, DRO, and Monterey. Ft Ord was never meant to be a giant re-hab project full of remodeled military housing. The desire and plan was for new communities with new housing. Conclusion - take a small area with limited land for development, add its natural attraction and pent up demand, fight needed improvements for water and roads, and what you will get is housing which is very costly to the consumer. We also can add that economic development has been stymied. Meager job and wage growth are not conducive to a healthy economy. Good paying jobs would make things better and are needed.

The fallout is developers charge what the market will bear and as incomes rise so do prices. If you want an affordable house go to the older parts of the peninsula that were mentioned above or move into the Salinas Valley. Affordable housing on the the Central Coast is California Dreamin. If Politicians and leaders want real affordable housing we must start with the infrastructure and better jobs.

We understand that the Promontory is filling up fast with prospective renters. We were informed that 700 plumbing valves that were not installed in the walls. Hope this does not hold up their opening date. We will be passing out leaflets around Campus and locally notifying people of the potential mold problem caused by leaving the buildings unprotected during the rains in Nov - Dec. Once the mold was detected they put fans in the buildings to try and dry them out. Let's see if it works when it warms up and creates a good environment for growth. Lastly, ABS (plastic) was used as vent pipes to the plumbing system not cast iron as per code therefore every time there is a flush you will hear the rush. Where was the Inspector?

Within the next two months we will give a report on the State of Construction at Ft Ord. You may be depressed
to learn that the goals of using local business and labor have fallen short.

Have a great weekend.
Ron Chesshire - CEO Monterey/Santa Cruz Counties Building and Construction Trades Council
Dear Planning Advisory Committee (PAC) members,

On behalf of the City of Marina, we would once again like to thank you for your service on the PAC for the Marina Municipal Airport Master Plan project. **The next PAC meeting is scheduled for Thursday, June 18, 2015.** The meeting will be held at 2:00 pm in the airport administration building located at 781 Neeson Road (same location as the last meeting). This is the last scheduled meeting of the PAC.

We are nearing completion of the Phase 3 draft working papers for the Marina Municipal Airport Master Plan. This phase will cover the Recommended Concept and Capital Improvement Program and will be mailed to you approximately seven days prior to the next PAC meeting. A notification will also be sent alerting you to when the electronic version is available from the project website: [www.marina.airportstudy.com](http://www.marina.airportstudy.com)

**Please reply to this email to indicate if you plan to attend the PAC meeting.**

In addition, we will be hosting a public information workshop that same evening from 5:30-7:00pm in the same location. Please see the attached flyer for more information on this open-house.

Sincerely,

Patrick Taylor
NOTICE OF PUBLIC INFORMATION WORKSHOP

regarding the ongoing Airport Master Plan for

MARINA MUNICIPAL AIRPORT

Thursday, June 18, 2015
5:30-7:00 P.M.

Airport Administration Building
781 Neeson Road
Marina, CA 93933

EVERYONE WELCOME!

OPEN HOUSE FORMAT....DROP IN ANYTIME

For more information, please contact:
City of Marina
Community Development Department
831-884-1251
www.marina.airportstudy.com
The attached letter provides responses from MCWD to questions from Congressman Farr and CSUMB President Ochoa at the FORA Board meeting of May 8, 2015.

Peter Le

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May 15, 2015

Board of Director
Fort Ord Reuse Authority
910 Second Ave
Marina, CA 93933

Re: MCWD Responses to Questions asked at the May 8, 2015 FORA Board Meeting

At the May 8, 2015 FORA Board Meeting, Congressman Farr asked MCWD staff several questions on the last rate process including Prop 218 notice, meeting dates, copy of notice, the number of people attending the public hearing, etc. Since MCWD staff did not have a copy of the notice and information on the Prop 218 process at the meeting, we would like to provide responses to Congressman Farr’s questions as follows:

1. MCWD Board approved the Five-year Water and Wastewater Financial Plan and Rate Study on August 26, 2013.

2. Initially, MCWD sent 6,492 notices of public hearing on September 6, 2013. Additionally, 595 postcards were sent to Ord Community customers to clarify the public hearing date of October 21, 2013.

3. The Notice of Public Hearing was also placed in the Monterey County Herald as legal notice on October 5 and October 14, 2013.

4. Approximately 30 people attended and provided comments at the public hearing on October 21, 2013.

5. MCWD Board considered oral public comments from ratepayers at the October 21, 2013 public hearing, and written comments received from City of Marina, City of Seaside, FORA Water and Wastewater Oversight Committee (WWOC), Building Industry Council and other ratepayers.

6. Subsequently, MCWD Board directed our consultant to prepare written responses to all the comments and questions, and provided them to FORA WWOC and the public.

7. Based on recommendations from our consultant, MCWD Board decided to hold a second Public Hearing on the Proposed Water and Wastewater Rate Changes for Central Marina and the Ord Community on May 19, 2014.
8. On March 28, 2014, MCWD mailed the second Notice of Public Hearing to both all recorded owners of parcels and customer including tenants who had accounts with the District.

9. Approximately 17 people attended the second public hearing on May 19, 2014 and provided comments.

10. MCWD staff and our consultants also presented the proposed rate changes to FORA WWOC and Board at various meetings and answered questions.

11. Subsequent to the second public hearing, MCWD Board determined that insufficient protest votes were received and adopted Resolution No. 2014-20 approving new District rates, fees, and charges for the Ord Community water and wastewater service areas.

12. Included are copies of the Notices of Public Hearing and Monterey County Herald Legal Notice as requested by Congressman Farr with this letter. Additionally, we are happy to provide any other information to Congressman Farr or FORA Board; just let us know.

At the same May 8, 2015 FORA Board meeting, CSUMB President Ochoa asked questions about the annexation and representation of the East Campus residents. MCWD Vice President Le did provide the status of the annexation of the Ord Community to FORA Board on May 7, 2015. Contrary to popular belief, MCWD has processed the annexation since 2012 as described in the email to FORA Board from Vice President Le. MCWD is unable to proceed with the annexation process until Seaside County Sanitation District (SCSD) makes a decision on how they will convey sewage or wastewater from their proposed sewer service area to the Monterey Regional Water Pollution Control Agency (MRWPCA) pump stations. In order to clarify the annexation matter, not only to FORA but also to all ratepayers at the Ord Community, we recommend that FORA Board places this item on the FORA Board agenda and invites LAFCO, SCSD and MCWD to make a presentation on the annexation process and answer questions from both Board members and the public.

At the same meeting, MCWD continued to receive negative comments from Mr. Lombardo, an attorney representing Cal Am, and was portrayed as a “dangerous” public entity by him. Mr. Lombardo conveniently forgot to mention to FORA Board past actions by MCWD that helped Cal Am to serve their Monterey Peninsula customers. One such example was the wheeling agreement in which MCWD allowed Cal Am to use MCWD owned pipe on General Jim Moore Blvd to convey water from Carmel River to Seaside basin. We are fairly sure that both FORA Board and the general public were not aware of such cooperation from MCWD. MCWD also had numerous negotiation meetings with Cal Am and Monterey County to resolve legal issues in addition to various meeting with other local elected officials in finding common ground on water supply projects. At the same time, FORA Board should be aware from previous FORA staff reports that Mr. Lombardo also represents Bay View Mobile Home Park (NVMDP) which receives water and wastewater services from MCWD and is located near the Seaside Highland Subdivision. Mr. Lombardo continued to ask MCWD, as recently as March 2015, to accept the
private and deficient water system at BVMHP at the expense of other Ord Community ratepayers. BVMHP currently owes MCWD over $200,000 from unpaid bills and interest.

Let us know if you have any further questions.

Sincerely,

[Signature]

Howard Gustafson, President
Marina Coast Board of Directors

Attachment: MCWD Notices of Public Hearing, October 21, 2013 and May 19, 2014
Monterey County Herald Legal Notice

cc: Board of Directors, MCWD
Congressman Sam Farr
CSUMB President Ochoa
City of Marina City Council
Board of Directors, LAFCO
The attached letter regarding the FORA Ord budget process, water augmentation and responses to criticisms was provided to FORA on May 15, 2015.

Peter Le

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May 15, 2015

Mr. Frank O’Connell, Chair
Fort Ord Reuse Authority Board of Directors
Re: May 8, 2015 FORA Board of Director’s Meeting

Dear Chair O’Connell:

At a Special Meeting of the Board of Directors of the Marina Coast Water District (District), the Board directed me to convey to the FORA Board its dismay and disappointment about comments directed at the District by Congressman Farr. As any agency would be, the District is protective of its staff and each Board member is personally troubled by what appeared to be the visiting of frustrations over the business of the District upon its staff. The Board would like to thank you, Chair O’Connell, for not only your attempts to keep the discussions at the FORA meeting civil, but also for reaching out to District staff later offering your apologies.

Also of great concern to the District is the bashing the District took with little opportunity to defend itself. Most upsetting is that the criticism of the Marina Coast Water District was predicated on the declaration that the Congressman initially supported the selection of Marina Coast to provide water and wastewater services to the Ord Community but that the District had “failed” in the performance of those duties. This District strongly takes issue with that assertion.

While there are certainly many nuances that define the contractual relationship between the Marina Coast Water District and the Fort Ord Reuse Authority, at its core is the responsibility of the District to provide wastewater collection services and the dependable delivery of water that meets all State and Federal standards at a reasonable cost. Marina Coast Water District has the responsibility to provide these utility services to existing customers and to future customers and the District has done a very good job of providing these services.

Regarding the matter of water rates and charges for the Ord Community and the budget those rates support, the District has been very transparent in the process by which those rates were established. And the District has heavily invested the revenue those rates produce into the improvement of the aged infrastructure on the former Fort Ord. That has been a significant challenge for the District but the evidence of the success of that work is the excellent dependability of water and wastewater service to the Ord Community. The District also complied with noticing requirements of the State under Proposition 218 when the rates were
being considered and received many comments from the Ord Community during this process. Staff has worked well and closely with the FORA Water and Wastewater Oversight Committee and presented the current budget to that group four times, each time using its input to revise the budget and the clarity of its presentation.

In the end, that Committee approved the budget but chose not to act on the line item regarding water augmentation, deferring to the FORA Board the decision on that item since it had been before the Board previously.

To the question of augmentation of water for the future build-out of the Ord Community, the District certainly cannot be accused of making no effort. The District has worked diligently on three strategies to meet its obligation to FORA to provide an additional 2,400 acre feet per year of water to the Ord Community in the future: 1) the use of reclaimed water for irrigation purposes on the Ord Community; 2) a desalination facility; and 3) water conservation projects.

Regarding the first of these strategies, the District worked with FORA to craft a water augmentation plan referred to as the hybrid Regional Urban Water Augmentation Project (RUWAP) that envisioned a project that would satisfy the 2400 acre foot per year need through two sources: reclaimed waste water for irrigation; and desalination of seawater. This combination of strategies was called a “hybrid” and Marina Coast Water certified a Programmatic Environmental Impact Report for that program in 2006.

For the reclaimed water project, FORA, the District, and the Monterey Regional Water Pollution Control Agency (MRWPCA) negotiated a Memorandum of Understanding (MOU) in 2009, signed by the District and MRWPCA. That MOU assured the District and FORA that there would be an adequate amount of reclaimed water from the MRWPCA for the Ord Community to satisfy half of the water needed for RUWAP. The District proceeded to engineer, secure rights-of-way, and install more than 2-1/2 miles of reclaimed water pipeline in furtherance of this project. In current negotiations between the District and MRWPCA, the District has been informed that the amount of reclaimed water the Ord Community has been planning on may need to be significantly reduced.

Regarding the desalination component of the RUWAP, the path has been rocky and while there are many opinions as to cause, different projects have not gone forward. The result is that the District stands to lose a significant amount of money on one of those projects. Through legal action the District is attempting to prevent that loss. Most recently, the District is trying to plan for how it might meet its obligation to deliver 2400 acre feet of augmented water if the “hybrid”, as agreed upon by FORA, the District and the MRWPCA, is modified.

Regarding the last of these strategies, water conservation, the District has achieved a gallons-per-capita-per-day usage rate that is among the lowest 25% in the State of California for residential
users. We have accomplished this through rebate programs, home water audits, education programs, enforcement of provisions to eliminate water waste, and other strategies.

Clearly on the matter of water augmentation, FORA, along with its member agencies, is the party that stands to gain or lose the most and so it is of importance to the District that FORA be engaged in all the aspects of this endeavor. There are those that insist FORA’s allocations are too great and some of the allocations already assigned are not being used. There are those who argue that because of water conservation, future allocations should be reduced. There are those who want to know who will bear the cost of the RUWAP and when. The District looks forward to working with FORA on these questions.

Likewise, if the reclaimed portion of the RUWAP “hybrid” is changing, the District looks forward to working with FORA to resolve the question of how the RUWAP should change to provide the future water supply that FORA says the Ord Community will need. Additionally, the District encourages FORA to be engaged in discussions regarding the reclaimed portion of RUWAP, helping assure future deliveries of such water to the Ord Community are sufficient to meet its needs and to use the network of pipe that was installed to distribute that reclaimed water.

Finally, on the subject of the District’s Ord budget, the 1998 Water/Wastewater Facilities Agreement charges the Water/Wastewater Oversight Committee to “Review and recommend on operating and capital improvement budgets.” This 1998 Agreement also provides that the District will recover all of the direct and indirect costs of furnishing facilities in accordance with normal accounting practices. That Agreement goes on to state that the FORA Board shall state “whether FORA agrees with the proposed budget or written request. If FORA does not agree, FORA’s response shall identify each disputed element, shall state detailed reasons for the dispute, and shall specify a resolution acceptable to FORA.” The District looks forward to working with the FORA Board to resolve any disputed elements of the proposed budget.

The Marina Coast Water District values its relationship with the Fort Ord Reuse Authority and looks forward to a mutually satisfactory relationship for the long term.

Sincerely,

Howard Gustafson, President
Marina Coast Water District Board of Directors

cc: FORA Board
Before I get to business here's a message from Keep Fort Ord Wild," Please stop all development proposals be frozen until you revise your grossly outdated Base Reuse Plan. Demand that further work on Eastside Parkway be halted until you can actually produce a tangible economic argument for its existence." Now, please don't let Monterey Downs happen. What's going to happen is that your going to make the all cheep homes more expensive and make more people leave. And for what? A seedy horse racing tack? Come on, don't devolve seaside to a Californian Vegas. (because we have Indian Reservations for that) Thank you for your time, if you guys will read it.

Sent from Windows Mail
Dear Mr. Houlemard:

This email serves as a follow up to the attached RAD invitation mailed to your office. The Directorate, Human Resources, Presidio of Monterey requests your RSVP via email by 4 June 2015 or sooner to wanda.l.deener.civ@mail.mil.

RAD Agenda:

0800  Exhibits and Booths Open

0900  Presentations in Ballroom*

        National Anthem by Navy Choir

        Welcome by LtCol Richard Novak, USMC (Ret.)

Chair, Fort Ord Area Retiree Council

        Invocation by Chaplain Robert Gilliam

        Colonel Paul Fellinger, Garrison Commander,
        United States Army Garrison, Presidio of Monterey

        The Honorable William W. Monning, 17th Senate District,
        California State Senate and Senate Majority Leader

        Air Mobility Command, Travis Air Force Base
        Space Available Travel

        Vice Admiral Norbert R. Ryan Jr. USN (Ret) President
        & CEO, Military Officers Association of America (MOAA)

1135  Closing Remarks: LtCol Richard Novak, USMC (Ret.)

1200  Barbeque Lunch

Very respectfully,

Wanda Deener
Administrative Assistant
Directorate Human Resources
ATTN: IMPM-HR
U.S. Army Garrison
1759 Lewis Road
Bldg 614, Suite 210
Dear Planning Advisory Committee (PAC) members,

On behalf of the Marina Municipal Airport, we would once again like to thank you for your service on the PAC for the Airport Master Plan project. This email is to inform you that the next set of draft working papers have been shipped to you and should arrive in the coming days.

You may also download the new material from the project website: www.marina.airportstudy.com

The new material is:
- Chapter 5 – Recommended Master Plan Concept
- Chapter 6 – Capital Improvement Program
- Appendix C – Tenant Letters Supporting Runway Extension
- Appendix E – Drop Zone Analysis
- Appendix F – Land Use Compatibility Analysis (Section 4)
- Appendix G – FAA Position Letters on Non-Aviation Uses of Airport Property

As a reminder, the next (and last) PAC meeting is scheduled for Thursday, June 18 at 2:00 pm in the airport administration building located at 781 Neeson Road (same location as the last meeting).

We will also hold our last Public Information Workshop from 5:30pm-7:00pm on the same day, in the same location. We hope your schedule will allow you to visit during that time as well.

If you do not receive your printed copy or have any trouble downloading the documents please feel free to contact me by phone at 1-800-892-7772 or by email. If you have any additional questions you may also contact Justin Meek with the City of Marina at 831-884-1251.

Sincerely,

Patrick Taylor