Cc: OCRcomplaint@hhs.gov; Yorker.Yasmin@epa.gov;
sebastian.aloot@usdoj.gov
Subject: RE: Administrative complaint under Title VI the Civil Rights Act of 1964, and Executive Order 12898, as implemented by the Department of Defense at 32 CFR Part 195, against the Fort Ord Reuse A

Exhibits attached

-----Original Message-----
From: michaelboyd [mailto[redacted]
Sent: Monday, March 08, 2004 12:24 PM
To: kim.davis@hqda.army.mil
Cc: OCRcomplaint@hhs.gov; Yorker.Yasmin@epa.gov;
sebastian.aloot@usdoj.gov
Subject: Administrative complaint under Title VI the Civil Rights Act of 1964, and Executive Order 12898, as implemented by the Department of Defense at 32 CFR Part 195, against the Fort Ord Reuse A

Director, EEO and Civil Rights Office
ATTN: Kim Davis, US Army
1941 Jefferson Davis Hwy, CM-4, Suite 207
Arlington, VA. 22202

Yasmin Yorker.
US Environmental Protection Agency
Office of Civil Rights Team (1201A)
1200 Pennsylvania Ave NW
Washington, DC 20460

Office for Civil Rights
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Room 509F, HHH Building
Washington, D.C. 20201

Sebastian Aloot, Staff Attorney
Coordination and Review Section
Civil Rights Division
Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20530

Dear Kim Davis, US Army,
I wish to file an administrative complaint under Title VI the Civil Rights Act of 1964, 28 U.S.C. § 1447, 42 U.S.C. §§ 1971, 1975a-1975d, 2000a- 2000h-6, and Executive Order 12898, as implemented by the Department of Defense at 32 CFR Part 195, against the Fort Ord Reuse Authority.
The Fort Ord Reuse Authority (FORA) took action at its January 9, 2004 meeting approving the Workforce Housing Special Project: Final Recommendations which was contrary to Congressman Farr's proposals for 50% affordable housing in the Redevelopment of Fort Ord, this, despite objections from the affected community and members of my organization, CAlifornians for Renewable Energy, Inc. (CARE).
Additionally FORA forcibly evicted LeVonne Stone, Executive Director of the Fort Ord Environmental Justice Network ("FOEJN") from building 2903 which the US Army is authorized and did grant the right to use of US Fort Ord Surplus Property by means of a No Cost Economic Development

Conveyance, for no monetary consideration based on the FOEJN existing and proposed programs for economic development including environmental remediation for the benefit of Fort Ord closure impacted former residents and workers, especially the homeless, Veterans, and low and moderate income families. I contend this eviction is evidence of intentional discrimination based on race, income, and religion.

Respectfully submitted,

Michael E. Boyd - President, CARE 3/8/04

(See attached file: LATimesCover+Story.doc)

LATimesCover+Story.doc Exhibits2FOcomplaint.doc FOEJNeconenviroprogram.doc FortOrdBumPetition.doc

LATimesCover+Story.doc

Exhibit 1 FORA board minutes

Board Meeting
November 14, 2003 - Approved Minutes

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1. CALL TO ORDER AND ROLL CALL

Chair/Mayor Smith called the meeting to order at 3:02 pm and requested a roll call. The following members were present:

Voting Members

Chair/Mayor Smith (City of Seaside)
Mayor McCloud (City of Carmel-by-the-Sea)
1st Vice Chair/Mayor Barlich
Mayor Pendergrass (City of Sand City)
2nd Vice Chair/Mayor Mettee-McCutchon, (City of Marina)
Mayor Pro Tem Morrison (City of Marina)
Council Member Mancini (City of Seaside)
Supervisor Johnsen (Monterey County)
Council Member Schenk (City of Pacific Grove)
Mayor Albert (City of Monterey)
Council Member Barnes (City of Salinas)
Supervisor Calcagno (Monterey County)

Supervisor Potter (Monterey County) arrived at 3:30 pm.

Ex-Officio Members

Congressman Sam Farr (17th Congr. District) Karen Fisbeck (U.S. Army)
Dr. Daniel Callahan (MPUSD) Charles Scholl (MCWD)
Bill Reichmuth (TAMC)

Lora Lee Martin (UC MBEST) arrived at 3:15 pm; Niraj Dangoria (CSUMB) arrived at 3:16 pm; and Kathryn Nation (15th State Senate District) arrived at 3:19 pm.

The 27th State Assembly District, Monterey-Salinas Transit, and Monterey Peninsula College were not represented at this meeting.

Chair Smith declared a quorum present and opened the meeting.

2. ACKNOWLEDGEMENTS

Chair Smith reported on the grand opening ceremony of the connection of Imjin Parkway to Highway 1, which occurred earlier this afternoon.

3. PUBLIC COMMENT PERIOD

[redacted], a Monterey resident, gave special recognition to Congressman Farr for his service and work in pursuing more affordable housing on the former Fort Ord and urged the Board to give Mr. Farr's policy recommendations the utmost respect and consideration. [redacted], a Marina resident, said he believes the community is divided on the affordable housing issue and that no more of this housing is needed in Marina. LeVonne Stone, Executive Director of the Fort Ord Environmental Justice Network ("FOEJN"), said she had filed a document with the court but her building is still locked. She provided a

Exhibit 1 FORA board minutes

handout from MSDC with information about a proposed development for the former Fort Ord. Ullyses J. Montgomery, a principal of MSDC asked that the Board consider an unsolicited development project of 10,000 acres of low and moderate income residences and gave a brief overview of the still draft proposal. Michael Strausz, another principal of MSDC, further elaborated on the proposed development, emphasizing it was primarily for the people impacted by the closure of Fort Ord. Ted Elisee, a Marina resident, asked the Board to open FOEJN's doors again, so their programs can continue. Chair Smith asked that the Administrative Committee review the proposed MSDC development and bring a recommendation to the Executive Committee.

4. CONSENT AGENDA

Three items were on the Consent Agenda: Item 4a (Action Minutes of October 10, 2003), Item 4b (FY '02-03 Audit Report), and Item 4c (2004 Calendar of FORA Board Meeting Dates). Motion to approve the three items, as presented, on the Consent Agenda was made by Mayor Mettee-McCutchon, seconded by Supervisor Johnsen, and passed.

5. OLD BUSINESS

Item 5a - Basewide Environmental Liability Insurance: Presentations by Marsh, Inc. (Broker) and Barry Steinberg, Esq. (FORA Special Counsel): Mr. Steinberg gave an overview , discussed certain issues, the technology, and expectations and then outlined risk analysis factors. Ms. Kathy Gettys from Marsh, Inc. reported that three carriers had given presentations before a panel yesterday and had reported that UXO coverage is now available. Five members of the Board and three members of the public asked general questions. Executive Officer Michael A. Houlemard, Jr., said there would be a third board presentation before staff returns with a request for placement, tentatively scheduled for the February board meeting.

Item 5b – Workforce Housing Special Project: Reports on Proposed Recommendations and Policies: Four reports were listed on the agenda. The first was a legal analysis by Authority Counsel Jerry Bowden, who provided general comments to his memo dated 11/5/03 to Congressman Farr, which was included in the board packet. The second was the economic analysis by BAE. Ron Golem, a vice president at BAE, summarized the findings, assisted by a PowerPoint presentation. (Supervisor Calcagno left at 4:45 pm during the BAE presentation.) The third was a report from the CHaRG Group by Director of Planning and Finance Steve Endsley and Ken Stein, a member of the Group. The fourth was a report commissioned by the development community, as represented by the East Garrison Partners and the Marina Community Partners. David Henderson from the Naval Postgraduate School introduced San Jose State University Professors Benjamin Powell and Edward Stringham, who provided copies of their study and summarized their findings. Board discussion and questions followed each presentation. After the reports and presentations fourteen members of the public made comments, all but two supporting creation of more affordable housing. Chair Smith encouraged board members to review all the information in preparation for the board to take action on Congressman Farr's policy recommendations at the December board meeting.

Since it was close to 6:00 pm, the time which the Board had decided to adjourn the meeting, Supervisor Johnsen, who serves as Chair of the Legislative Committee, moved that action item 6a (2004 FORA Legislative Agenda/Work Program) be continued to the next board meeting. The motion was seconded by Council Member Mancini (and others) and passed. The meeting ended at 6:00 pm when a quorum was lost.

Minutes prepared by Linda Stiehl, Clerk to the Board

Exhibit 2 FORA board minutes

Board Meeting

August 8, 2003 - Approved Minutes

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1. CALL TO ORDER AND ROLL CALL

Chair/Mayor Smith called the meeting to order at 2:02 pm, welcomed everyone, and extended an apology for the abrupt ending of the July 11th board meeting at 6:00 pm, the time which had been decided and announced beforehand. He said he hoped everyone who didn't have an opportunity to speak at the July meeting would speak at this meeting. He then read a meeting protocol, which was followed by his request for a roll call. The following voting members were present:

Chair/Mayor Smith (City of Seaside)
Mayor McCloud (City of Carmel-by-the-Sea)
2nd Vice Chair/Mayor Mettee-McCutchon (City of Marina
Vice Mayor Russell (City of Del Rey Oaks)
Council Member Mancini (City of Seaside)
Mayor Albert (City of Monterey)
Council Member Schenk (City of Pacific Grove)
Mayor Pendergrass (City of Sand City)
Council Member Barnes (City of Salinas)

Mayor Pro Tem Morrison (City of Marina) arrived at 2:11 pm.

Supervisors Calcagno, Johnsen, and Potter were absent.

Ex-Officio Members

Congressman Sam Farr (17th Congr. District) Bill Reichmuth (TAMC)
Assemblyman John Laird (27th State Assembly District) Lora Lee Martin (UC MBEST)
Dan Johnson (CSUMB) Karen Fisbeck (BRAC/Army)
Colette McLaughlin (MPUSD) Charles Scholl (MCWD)
Dr. Kirk Avery (MPC)

Monterey-Salinas Transit was not represented at this meeting.

Chair Smith declared a quorum present and opened the meeting.

2. ACKNOWLEDGEMENTS

Chair Smith welcomed Colette McLaughlin, the new facilities planner at MPUSD and alternate to the FORA Board, and Assembly Member John Laird.

3. PUBLIC COMMENT PERIOD

Richard Bailey, representing the Veterans for Peace and a member of the local chapter of the United Nations Environmental Program, called attention to the Brown Act by reading the first two paragraphs (Section 54950 of the California Code), which state that public agencies exist to aid in the conduct of the people's business. LeVonne Stone, Executive Director of the Fort Ord Environmental

Exhibit 2 FORA board minutes

Justice Network ("FOEJN"), read a draft copy of the Environmental Justice Network housing policy on which she said a final public hearing would be held in September. She had copies available for those requesting them.

4. CONSENT AGENDA

There were three items on the Consent Agenda: Item 4a – Action Minutes of July 11, 2003; Item 4b – PERS Contract Amendment – Final Resolutions; and Item 4c – Water Tender Agreement. Mayor McCloud asked if the best price had been obtained on this piece of equipment, and Executive Officer Houlemard responded that the dollar amount in the Capital Improvement Program was set and the fire chiefs were still negotiating the final prices and financing agreements on the five firefighting vehicles. Motion to approve the three items and the staff recommendations for each was made by Mayor Mettee-McCutchon and seconded by Mayor Albert. Council Member Schenk abstained from Item 4b, and Council Members Barnes and Mancini abstained from Item 4a due to absence. The motion carried.

5. OLD BUSINESS

Item 5a – U.S. Army Burn Program for Summer-Fall 2003 – Status Report and Presentation: Jim Creighton, the Army consultant in charge of the voluntary relocation program, introduced himself and proceeded with a PowerPoint presentation. He said the burn would cover the 500 acres of Ranges 43-48. Professional fire teams with special equipment will manage this burn, which is expected to last between four and five hours and produce less smoke than the recent accidental wild fire, which lasted five to six days and covered nearly 800 acres. The prescribed burn will be started and controlled primarily from the air with sophisticated professional teams on the ground. He said this year's relocation plan had been refined as a result of last year's experiences, and he mentioned that up-to-date information could be found in Community Bulletin #6, which was available on the hand-out table, and by calling the hotline (831-393-7691).

Chair Smith opened the discussion to the Board. Congressman Farr asked if the burn area would be cleaned by a "Brontosaurus" (no, because of safety considerations for the operators). He also questioned the health risk study referred to, and Mr. Creighton stated that the findings indicate a small amount of toxics would be in the smoke, but at a level significantly below safety standards. He noted that the recent accidental fire had produced about the same amount of toxics and that there had been no confirmed hospital admissions directly related to this fire.

Chair Smith opened the discussion to the public. Lance Huston from Seaside thanked Mr. Creighton for his presentation and asked three questions which the latter answered. Douglas Fey asked if the Army would pay medical expenses for anyone affected by the smoke resulting from the planned burn and what contingency plans were in place if the fire jumped the burn area. An unidentified homeless woman said her daughter had experienced coughing, vomiting and breathing symptoms the day of the recent accidental burn and hoped homeless people would be forewarned of the burn date. LeVonne Stone from FOEJN stated that long waits in the Emergency Room can be expected by those without health insurance and asked that the Army be mindful of this. She said the smoke from previous burns was horrendous. Mr. Creighton responded to each of the previous questions.

Item 5b – Workforce Housing Special Project (continued from July 11, 2003 Board Meeting): Executive Officer Houlemard summarized the recent history of this item, noting that the FORA Board had been engaged in a series of activities addressing this issue over the past two and one-half years. There were no Board comments or objections to opening the discussion to the public, which Chair Smith did.

Exhibit 2 FORA board minutes

Fifty-four people made public comments. [redacted] from Preston Park said she agreed with Congressman Farr's proposals for 50% affordable housing and asked that a roll call vote be called on them. [redacted] said that everyone is affected by the lack of affordable housing and asked that the stand-off be stopped, roll call votes be taken, and the policy recommendations approved. Minister Stone from the New Life Delivery Rescue Mission mentioned the new mortgages available for low income/minority borrowers, stating that home ownership is the foundation of a stable family, because it equates to wealth and prosperity [redacted] from Monterey related a family incident that illustrated his point that this area is losing the very people who make communities run. He said that Monterey, Pacific Grove, Pebble Beach, and Carmel are not taking responsibility for providing housing for their workers and that Congressman Farr's policies should be adopted. He challenged the Board to provide opportunities for better jobs here, with housing first and then jobs. [redacted] from Marina called attention to the fact that although Seaside and Marina must provide the same support services as Carmel, the annual transient occupancy tax in Marina is less than $80/resident, versus $1,300/resident of Carmel. Likewise, an imbalance in the tax bases exists. He urged the Carmels of the area to put up dollars to assist in providing more affordable housing in the area. [redacted] said the regional housing trust and land trust ideas were not good but asked the Board to provide 100% affordable housing by supporting Congressman Farr's, LandWatch's, and COPA's policies and recommendations to ensure a better quality of life here. He urged the Board to look outside the box to provide an affordable water source to support more affordable housing. [redacted] from Pacific Grove asked the Board to be guided by equality, fairness and justice in deciding how to vote. He said the heart and soul of a community are the real Americans and it is that sector that is being priced out of the housing market. [redacted] from Pacific Grove and a former affordable housing resident said that "capitalistic arrogance is alive and well." He asked why water is higher on the former Fort Ord and believes that people have a right to be involved in housing and other decisions and urged full disclosure of information. [redacted], a Pacific Grove resident and Chairman of Monterey County Democratic Central Committee, asked the Board to put aside the petty issues and address the real question of where people are going to live in this area. He was impressed with the workforce housing group study and believes that the problems can be solved. [redacted], a homeless mother, asked what could be done to help homeless people secure housing, especially those with children [redacted] from Los Lomas stated that minorities can purchase market rate houses with the assistance currently available. She described a proposed 100% affordable project in the planning stages close to her home. She also said that FORA was established to implement economic recovery, which means that the jobs/housing balance is a critical part of the picture. Julie Ingle from North Monterey County said the consequences of not meeting communities needs, such as adequate housing, are devastating. She asked the Board to consider where our neighbors will be housed and to make the commitment to do something about it. [redacted], a retired architect from Carmel, said she supports Congressman Farr's proposals and recommendations. From her work on the former Fort Ord, she said that the former military housing could have been renovated and lived in but believes there is still time to do the right thing. [redacted] from Monterey supports permanent affordability with 66% of the housing built on the former Fort Ord priced in the affordable range. He believes that Fort Ord is the regional response to this critical issue. [redacted] said he resides in the East Alisal area in affordable housing with 10 other people in his residence. He believes that 50% affordable means nothing, because it's not reality. Developers should be able to take a reasonable profit and taxes should not be burdensome. If the Seaside Highlands project can be stopped, it should be, because this kind of project does not solve the housing problem. [redacted] from Pacific Grove said affordable housing does not have to be ugly and socially undesirable and urged the Board to look at the award-winning affordable housing projects in Santa Cruz and San Mateo. She offered to provide more information on these projects. Mez Benton said she was speaking for the American Association of University Women when she said: 1) There is a desperate need for more affordable housing in this area; 2) affordable housing should be built on publicly-owned land, which is available; and 3) because FORA is broadly represented, it owes the taxpayers and must serve the greatest public need. She said, "It is time to move on." Alfred Seccombe, representing COPA, noted the "precious island of free land" that is the former Fort Ord and urged all to work together towards a common goal. He said that the majority of homes built here must be affordable. [redacted], a Fort Ord resident, said this "gift of public lands should be used for the benefit of the people, not a few greedy developers." Having adequate housing is most important, and mansions should be built elsewhere. She asked for a roll call vote on Congressman Farr's policies. [redacted], a homeless woman, asked that the Board understand the needs of homeless people who have no place to go.

Exhibit 2 FORA board minutes

[redacted], an Oak Hills resident, commented on the loss of California residents to other states because of the high cost of housing and the opportunity at the former Fort Ord to create mixed neighborhoods. [redacted] commented that few had addressed the items specific to agenda item 5b, which was disappointing. She said she had served on one of the FORA workforce housing working groups and urged the Board to approve, adopt, and endorse a countywide housing trust. Seven persons/family groups, most of whom were agricultural workers, spoke through a translator of their desperate need for housing. LeVonne Stone from FOEJN said she spoke for those afraid to speak in public. She said better jobs are needed for those who have a right to live here. Mike Boyd, President of Californians for Renewable Energy and a FOEJN member, said that Title 6 of the 1964 Civil Rights Act requires that translating services be provided for public meetings and made a formal protest since none were available. He read the text of the Associate Press article on Seaside Highlands and the pending lawsuit and said that if FORA is party to illegal transactions using public funds, he would demand that all activities concerning the Workforce Housing Special Project be immediately terminated or modified pending resolution of the litigation. He was asked to leave the microphone several times after his allotted three minutes but continued to speak despite the Chair's requests. [redacted] thanked the Board for the Clark study and urged adoption of as many of the proposals as possible, including Congressman Farr's recommendations, and that the water recommendation be a priority item. [redacted], a Seaside resident, said there is a need for low-cost housing for seniors and that many units are still vacant but being neglected on the former Fort Ord and could be made available. He supports Congressman Farr's proposals. [redacted], a Monterey County resident, said he was registered Republican but always votes for Congressman Farr. He said that the land belongs to the taxpayers, not Seaside in the case of Seaside Highlands, and there was no obligation to give it to Seaside. Offering supporting figures, he said that higher priced homes "rape" the finances of the local community and that 50% affordability is necessary or else Mr. Farr should seek to have the land taken back by the federal government. [redacted], a Monterey County resident, said he was astounded that nothing affordable has been produced yet and supports 50% affordability. It is his opinion that it's all about money and only the wealthy can live here. [redacted], a Pacific Grove renter and NPS faculty member, said FORA has made a reasonably good start but has no goal. She supports 50% affordable housing. [redacted], a homeless person, said she needs housing and asked the Board to be concerned about the plight of the homeless everywhere. Gary Patton from LandWatch Monterey County said he supports all seven recommendations in Item 5b, but that none are specific enough and believes that the Board should adopt specific policies, which state where you want to go. 50% affordability is not unreasonable and permanent affordability for local residents and workers is necessary. [redacted] from Salinas said the ability to build is not a problem; it's the inability to make a decision on a goal. He supports adoption of a plan, adding that it is not necessary to look for the perfect solution but important to set a standard. Susan Goldbeck, a Pacific Grove council member, said that Monterey, Pacific Grove, Pebble Beach and others should participate in providing affordable housing for their workforces. The political will to create affordable housing must be evidenced. She said that the Seaside Highlands project is "abuse" and the public will be back. [redacted], a Monterey resident, urged the Board to vote for "what is right." [redacted] said that the seven staff and working group recommendations are, in reality, voluntary to any city or the county, and efforts must be made to make them mandatory. She said the Base Reuse Plan could be revised and opined that the non-land recipient jurisdictions have nine votes. Margaret Cernavaneti said it is disheartening to see people who can help others not do so, considering the fantastic opportunities to "get out of the disconnect and join the connect." She said "the citizens have already paid for Fort Ord land and it's for Monterey County, not the developers." [redacted] from Seaside said he is opposed to 50% affordability, because Seaside is stretched to the limits to provide necessary support services even now. He supports mixed development, including commercial, in order to build the tax base and said the burden of providing affordable housing should be shared. [Dr. Callahan replaced Colette McLaughlin as the representative from MPUSD at this time (4:11pm).] [redacted], a Seaside resident and a single mother while raising her family, said she resents the opinion that Seaside and Marina have been/are derelict in providing affordable housing. She said that many of the non-profits are located in Seaside and they pay no taxes to the city, whereas, Seaside Highlands will provide needed tax revenue. Tom Carvey, a member of Common Ground of Monterey County, said he supports affordable, sustainable housing, mixed communities, SMART Growth, and New Urbanism but asked the Board to consider carefully what makes housing affordable and where the funds to subsidize it will come from. He said Monterey County consists of two million acres of which only 2.5% is developed, so Fort Ord cannot be the only place to build

Exhibit 2 FORA board minutes

affordable housing. He urged the Board not to adopt the quick fix. Wren Bradley, senior field representative for SEIU Local 535, noted the current strike against Monterey County and said citizens and the cities have a right to self-determination. She said the other cities must assume accountability and some responsibility for solving the housing problem and supports Congressman Farr's plan. [redacted], a retired teacher, asked for roll call votes. [redacted] said you can't have affordable housing without an adequate water supply. He said that when problems occurred in the past, everyone worked together to solve them, which is necessary in solving the affordable housing issue and urged the board members to get with it. Stephanie Ashers, a Seaside resident, questioned the fact that 3,000 homes must be built before funds become available from the commercial structures to rebuild the infrastructure and asked where money for the latter is coming from. She said there is no question that more affordable housing is needed. How it is done is the important point. Cabarie Stone from the FOEJN youth group read an article/statement, which supported the idea that the housing needs for all residents must be met. Bettina Hotelling said that adequate housing is a moral issue and accountability is important. She said that there are few Section 8 houses in Monterey and urged the Board to eliminate the monthly delays to create more affordable housing. She said the Board has the authority to hear a motion on 50% affordability, as recommended by Congressman Farr, before the vote on Item 5b. She asked for a roll call vote[redacted] said in terms of human rights, the bell curve should be used to determine the amount of housing here. Since the free market subsidizes the rich, FORA must have a plan to make affordable housing a reality. Elizabeth Panetta from LandWatch Monterey County asked all members of the public who support strong 50% affordable housing policies to stand and said she hopes the 50% objective will prevail. She then asked for a minute of silence.

When there were no more members of the public wishing to address the Board, Chair Smith said several members of the Board had requested a five minute break. There were no objections and he recessed the meeting.

When Chair Smith reconvened the meeting, Executive Officer Houlemard clarified the seven recommendations in the staff report for Item 5b. Board discussion followed. Mayor McCloud said the Board should be accountable for each item, and each item should be taken separately and with a roll call vote.

When Chair Smith opened the discussion to the Board, Congressman Farr said that recommendation #1 indicates that a countywide Community Housing Trust be created, but such an entity would in no way satisfy FORA's needs or special status because the land was received free. He said that there is a clear need to define the funding of this trust. He asked why only four of the 17 Clark recommendations had been recommended by staff and the working groups. He noted that CSUMB has a community housing trust, where 100% of the housing is affordable. He commented that recommendation #4 incorporates some specifics about creating more affordable housing by inserting additional housing language in the Base Reuse Plan, but that more is needed. Dan Johnson explained that CSUMB has managed to provide as much affordable housing as they have, because they were able to control land use policies by creating a land lease form of development. They have also been very aggressive in renovating the military housing they received, a project that has been self-funded, and have not been subject to any area-wide fees or assessments. Discussion followed about the pro's and con's of a countywide versus FORA housing trust. There was general agreement that the seven recommenda-tions be taken separately and in order.

Recommendation #1(summary: authorization to "incubate"/establish and fund a countywide community housing trust): Mayor Pro Tem Morrison moved to adopt this recommendation as described in the staff report and the motion was seconded by Council Member Mancini. Council Member Russell said he could not support mandatory participation in a housing trust, but he would support voluntary participa-tion. Mayor McCloud asked for clarification of the text in the board report and recommended the following: 1) that the text be in layman's language; 2) that KB Homes be asked to contribute $3-5 million to a housing trust; 3) a clarification of what is considered a "contribution" to such a trust be inserted in the text; 4) the need for board review of the land and housing trusts before a final decision is made on either; and 5) the amount of staff involvement and costs to set up the trust be given. Council Member Schenk also asked about the set up costs. Executive Officer Houlemard responded by saying there could be many ways

Exhibit 2 FORA board minutes

to "contribute" to such a trust and the set up costs are estimated in the $150,000 - $200,000 range with funding coming from the FORA reserves. Mayor Smith asked that the motion be amended to broaden the potential contributors to a housing trust to include members of the hospitality and agricultural sectors and also developers. Mayor Pro Tem Morrison and Council Member Mancini accepted the amendments specifying that set up fees be as indicated in the board report (not to exceed $200,000), that contributions to the housing trust be voluntary, and trust contributors be encouraged from a broad spectrum of entities. After a roll call vote the amended motion was passed unanimously with 10 ayes. Mayor Mettee-McCutchon suggested that other members should contribute in some way up to their ability.

Recommendation #2 (summary: that jurisdictions consider use of certain workforce housing techniques, such as community land trust, on a jurisdiction by jurisdiction, project by project basis): Executive Officer Houlemard summarized the staff report. Motion to recommend that member jurisdictions consider creating community land trusts and other such techniques to aid in the production of workforce housing, as described in the board report, was made by Mayor Pro Tem Morrison and seconded by Council Member Mancini. Mayor McCloud questioned the lack of specifics on a process and asked for a timeline in September. After a roll call vote the motion was passed unanimously with 10 ayes.

Recommendation #3 (summary: that the Resources and the Housing Trust Working Groups continue to assist staff and the Board to implement these recommendations): Motion to approve the staff and working groups' recommendation, as described in the staff report, was made by Mayor Smith and seconded by Council Member Mancini. Mayor McCloud asked if the Board could accomplish this more quickly. Council Member Russell requested that the Administrative Committee be involved in the implementation process and Executive Officer Houlemard said this would be the case. After a roll call vote, nine votes favored the motion and Mayor McCloud dissented saying reinstituting the two working groups would delay the work and the Board needs to step up to the plate. The motion did not pass and will be returned to the Board for a second vote.

Recommendation #4 (summary: that additional provisions, related to state mandates and provisions in the Base Reuse Plan, regarding affordable and workforce housing be required for consistency deter-minations in order to review compliance): Congressman Farr made a motion that was essentially the text of his eighth recommendation (refer to board agenda item 5c) that the Board direct staff to return to the Board on or before September 15, 2003 with any and all actions necessary to implement and carry out the policies established in his recommendations #1-#7 (refer again to the board report for item 5c), and the motion was seconded by Council Member Schenk. Board discussion followed. A substitute motion to call for a vote to disapprove recommendation #4 of agenda item 5b was made by Mayor Pro Tem Morrison and seconded by Council Member Mancini. Congressman Farr first agreed to amend his motion to change the date to October 15th and then withdrew his motion, asking the public to make no further comments on agenda item 5c in the interest of the time remaining until the 6:00 pm announced adjournment time of the meeting. After further discussion, a roll call vote on the substitute motion by Mayor Pro Tem Morrison was called and this motion was passed unanimously with 10 ayes. Motion to extend the meeting time to 7:00 pm was made by Mayor Pro Tem Morrison and seconded by Council Member Mancini. No vote was taken on this motion.

Recommendation #5 (summary: direct the Administrative Committee to identify potential workforce housing projects that can be supported by FORA or the proposed community housing trust and direct staff to pursue grants, etc., to fund the housing trust): Motion to approve this recommendation as described in the staff report was made by Council Member Mancini and seconded by Mayor Mettee-McCutchon. After a roll call vote, this motion was passed unanimously with 10 ayes. Motion to extend the meeting adjournment time to 6:30 pm was made by Mayor McCloud, seconded by Mayor Mettee-McCutchon, and passed unanimously.

Recommendation #6 (summary: continue efforts to lower FORA's program costs, including efforts to secure federal transportation monies and efforts with the U.S. Army Corps of Engineers and others, to reduce the costs of building removal, remediation and landfill processing): Motion to approve this

Exhibit 2 FORA board minutes

recommendation as described in the staff report was made by Council Member Schenk and seconded by Mayor Pro Tem Morrison. After a roll call vote, this motion was passed unanimously with 10 ayes.

Recommendation #7 [consider realigning the resources of the Capital Improvement Program ("CIP") to benefit workforce housing projects]: Motion to disapprove this recommendation as described in the staff report was made by Council Member Mancini and seconded by Mayor Pro Tem Morrison. Congress-man Farr said it would be a great mistake not to even look at this possible source of additional funding for more workforce housing and suggested that about $89 million would appear to be available in the CIP. Director Reichmuth stated that part of the remodeling of the Transportation network addresses looking for additional funds to provide more affordable housing, and he cautioned about getting too far away from the nexus requirements of the Mello Roos obligations. The original motion was amended by the makers to approve recommendation #7 as described in the staff report and to refer it to staff for a feasibility study regarding the realignment of the CIP to free up funds for more affordable housing. After a roll call vote, this motion was passed unanimously with 10 ayes. Council Member Russell qualified his vote by requesting that the Administrative Committee review the findings before they return to the Board.

Item 5c – Correspondence from Congressman Farr: Staff Evaluation of Policy Recommendations:

Motion was made by Congressman Farr that the Board of Directors of the Fort Ord Reuse Authority hereby directs the FORA staff to return to the FORA Board of Directors on or before September 15, 2003 with any and all actions necessary to implement and carry out the policies established in recommendations #1-#7. In addition, the future staffing, budgetary, and other actions of the Fort Ord Reuse Authority shall be consistent with, and shall implement, these policies. Council Member Schenk seconded the motion.

Concerns were expressed about the adequacy of the turn-around time and the need to hear from the jurisdictions and other entities about their plans to produce more affordable housing. Mayor Mettee-McCutchon said that the September 12th board meeting would take place in the East Garrison Chapel, where the County's project has been reproduced in a miniature physical layout for viewing and the meeting's focus will be on presentations from the jurisdictions and entities of what each is doing about the affordable/workforce housing issue. She asked that the date in the motion be extended to October 15th, that the word "proposed" be inserted before the word "policies," and that a legal and economic review to determine the feasibility and impact of each recommendation be conducted. Congressman Farr agreed to these amendments, and there were no objections. Assembly Member Laird stated that there are funds available in the state housing bond, but the clock is ticking on applying for them.

Chair Smith opened the meeting to the public. Gary Patton spoke in support of Congressman Farr's motion. [redacted] suggested hiring an economist for an economic opinion and having staff analyze the opinion for unintended consequences. Tom Carvey said that FORA does not exist to solve regional problems, such as workforce/affordable housing, and recommended that whatever is economically justifiable be pursued and that mixed housing be the goal. [redacted] asked for clarification of the action and restated that all that was being proposed was referring the "policy recommendations" for staff analysis on impact and implementation. Chair Smith responded that the motion was to refer the recommendations to staff for report back and was not an approval of the proposed recommended policies.

The final motion was as follows: That the Board of Directors of the Fort Ord Reuse Authority hereby directs the FORA staff to return to the FORA Board of Directors on or before October 15, 2003 with any and all actions necessary to implement and carry out the proposed policies established in recommendations #1-#7 and, further, that a legal and economic review to determine the feasibility and impact of each recommendation be conducted. In addition, the future staffing, budgetary, and other actions of the Fort Ord Reuse Authority shall be consistent with, and shall implement, these proposed policies. After a roll call vote the amended motion was passed unanimously with 10 ayes.

Chair Smith asked all those who favor affordable housing to stand. He then adjourned the meeting at 6:30 pm.

Minutes prepared by Linda Stiehl, FORA Clerk to the Board

Exhibit 3 Confirmation of Receipt of FOEJN Request for No Cost Economic Conveyance

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON DC 20301-3000

ACQUISITION AND TECHNOLOGY

MAR 24 2000

Ms. LeVonne Stone
Director
Fort Ord Environmental Justice Network
P.O. Box 361
Marina, CA 93933

Dear Ms. Stone:

Thank you for your letter to President Clinton concerning environmental justice and the availability of office space at Fort Ord, Marina, California.

The Department of Defense is committed to the fair treatment of people of all races, incomes, and cultures with respect to the redevelopment of real property that is surplus to the needs of the Department. At Fort Ord, as well as other base closure locations, the Department has been working to ensure a community-based program is followed wherein the impacted jurisdictions organize themselves to present one voice to the Department on matters pertaining to closure, disposal, and the civilian reuse of the property.

The Fort Ord Reuse Authority (FORA) was created by the State of California's General Assembly for the specific purpose of planning the reuse and acquiring the property from the U.S. Army. In that role, FORA has been working with local interests, including that presented in your correspondence for several years. Mr. Michael Houlemard, FORA's Executive Officer, has also been in contact with you regarding your needs for office space and your environmental justice concerns. I encourage you to continue your dialogue with him, as FORA is awaiting conveyance of the property from the Army at this time.

Sincerely,

Paul J. Dempsey
Director
Office of Economic Adjustment

cc:
Michael Houlemard

Exhibit 4 April 25, 2002 FOEJN [sub]lease with FOR A for building 2903

June 12, 2003 letter from [redacted]

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EXHIBIT TO BE PROVIDED BY

LEVONNE STONE

(831) 883-1254

Exhibit 5
DECLARATION OF

LeVonne Stone

I, LeVonne Stone, declare as follows:

1. I am presently the Executive Director of the Fort Ord Environmental Justice Network, Inc at Fort Ord California.
2. Fort Ord, is one of US EPA's leading Superfund sites, which qualifies the County of Monterey for millions of dollars in US EPA funds for remediation. These funds are conditioned on the County's compliance with Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. §§2000d to 2000d-7), and Executive Order 12898, which requires a more extensive analysis of disparate impacts and additional mitigation for environmental effects from the proposed project, this is what is referred to as Environmental Justice.
3. Failure to comply with these requirements will necessitate enforcement action that may result in loss of these Federal funds from US EPA.
4. I have read, understand, and concur with CARE's comments on the Recirculated Initial Study for Calpine's proposed Pajaro Valley Energy Center.
3. I am qualified to provide expert testimony and act as an expert witness for CARE in regards to Environmental Justice during the hearings and on subsequent enforcement action on the Pajaro Valley Energy Center.
4. It is my professional opinion that the County must prepare an Environmental Impact Report that includes a more extensive analysis of disparate impacts and additional mitigation for environmental effects from the proposed project.
5. It is my professional opinion that the County Staff and Applicant's prepared testimony is invalid and inaccurate with respect to the issue of Environmental Justice.
6. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

DATED: September 11, 2002 Signed:

Location: Fort Ord, California

Exhibit 6

_____

_____

_____

_____

_____

Defendant
In Propria Persona

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY
UNLIMITED JURISDICTION

Marina Coast Water District, A Public Agency Plaintiff, vs. All Persons Interested In The Matter of The Validity of Rates, Fees & Charges For Sewer Services Adopted by the Fort Ord Reuse Authority in Ordinance No. 02-02 and by Marina Coast Water District in Resolution 2002-16	CASE No. M60728 Answer of_____ _____ in opposition to and protest of Application for Court Order regarding publication and Notice of Validation Action by Marina Coast Water District

Defendants

PLEASE TAKE NOTICE of Defendant's Answer to the Marina Coast Water District's (MCWD's) Application for a Court Order regarding publication and Notice of Validation Action. Defendant in this case Objects to and Protests such Validation Action at this time. Defendant is a resident of the former Fort Ord, and is a tenant of the Fort Ord Reuse Authority (FORA).

Defendant protests any increased rates, fees, and charges for improvements of the water and wastewater facilities on the site of the former Fort Ord that are not of direct benefit to Defendant. California Government Code § 66021 states:

> (a) Any party on whom a fee, tax, assessment, dedication, reservation, or other exaction has been imposed, the payment or performance of which is required to obtain governmental approval of a development, as defined by Section 65927, or development project, may protest the establishment or imposition of the fee, tax, assessment, dedication, reservation, or other exaction as provided in Section 66020.
>
> (b) The protest procedures of subdivision (a) do not apply to the protest of any tax or assessment (1) levied pursuant to a principal act that contains protest procedures, or (2) that is pledged to secure payment of the principal of, or interest on, bonds or other public indebtedness.

The minutes of the March 27, 2002 meeting of the MCWD board of Directors evinces the Board had knowledge of Defendant's concern where under Item 4- E Review and Discuss the Draft FY 2002/2003 Fort Ord Water and Wastewater Budgets and Rates, where the Minutes reflect,

Exhibit 6

Director Nishi voiced his concern that the Board would not have the opportunity to approve the proposed budget and asked if Special District's could charge capital charges on user fees.

The minutes of the June 26, 2002 meeting of the MCWD board of Directors evinces through Director Nishi's vote in opposition, that these concerns where not alleviated, under Item B Consider Adoption of Resolution No. 2002-26 Approving the Budget and Fort Ord Compensation Plan for FY 2002/2003:

On motion by Director Randle, seconded by Vice-President Brown; the Board approved the Budget and Fort Ord Compensation Plan for FY 2002/2003. Discussion followed. President Moore called the question. The motion was passed.

President Moore	- Yes	Vice-President Brown	-Yes
Director Randle-	Yes	Director Nishi	- No
		Director Scholl -	Yes

The minutes of the July 24, 2002 meeting of the MCWD board of Directors evinces the Boards action adopting Resolution 2002-16 following a closed session which petitioner contends violated the Ralph M. Brown Open Meeting Act California Government Code §§ 54950-54962 (7-24-02 Minutes at 7 and 8).

7. Pursuant to Government Code Section 54956.9 the Board adjourned to Closed Session at 9:58 p.m. Conference with legal counsel on anticipated litigation.

The Board returned to Open Session at 10:05 p.m.

8. On motion by Vice-President Brown, seconded by Director Randle; the Board authorize District legal counsel to file a validating action for the Fort Ord compensation plan with respect to FORA Ordinance 02-02 and MCWD Resolution 2002-16.

President Moore	-Yes	Vice President Brown-	Yes
Director Randle-Yes		Director Nishi -	No
Director Scholl -	Yes		

The action taken was not in compliance with the Brown Act because adoption occurred as the culmination of a discussion in closed session of a matter which the Act does not permit to be discussed in closed session and there was no adequate notice to the public on the posted agenda for the meeting that the matter acted upon would be discussed, and there was no finding of fact made by the (MCWD) that urgent action was necessary on a matter unforeseen at the time the agenda was posted. The Minutes of the July 24, 2002 meeting of the MCWD erroneously listed Resolution 2002-16 under the motion acted on. The corrected Resolution number should have been Resolution 2002-26. Neither case was listed on the Agenda under the closed session held at the July 24, 2002 meeting.

Because Rate increases will not benefit Defendant, and the MCWD Board's actions are in violation of the Brown Act, Defendant in this case, Objects to and Protests the MCWD's Application for a Court Order regarding publication and Notice of Validation Action. Defendant requests relief from said Action through an "Order for Dismissal" entered by the Court, and requests relief from increased rates, fees, and charges for water and wastewater services that provide no direct benefit to Defendant.

DATED: September___, 2002

_____

Defendant in *Propria Persona*

Exhibit 7

To: Honorable Judge Robert O'Farrell
Superior Court of Monterey County
Monterey Courthouse

1200 Aguajito Rd., Courtroom 14
Monterey, CA 93940

From: LeVonne Stone
Fort Ord Environmental Justice Network

PO Box 361
Marina, CA 93933

Ref: Marina Coast Water District's Verification Action, Case M60728

Dear Judge O'Farrell,

I am writing you today because I am very distressed by the tone and content of a letter to me dated February 28, 2003, from Gerald Bowden representing the Marina Coast Water District ("MCWD") in the District's verification action. What I find most distressing is that the MCWD knows myself and the seventeen other signers of the September 2002 "Answer in opposition to and protest of Application for Court Order regarding publication and Notice of Validation Action by Marina Coast Water District" live in Preston Park and are low-income and peoples of color. What upset us most is this letter threatened us with a $7,000 charge for exercising our constitutional rights is the threat appears to us to be racially and economically motivated. We have a right to be heard before something like this takes place, and we request your honor protect those rights

We are providing you a copy of our response letter to Gerald Bowden, to show you that we've got legitimate gripes, we are attaching the October 16, 2002 "Draft Final Operable Unit Carbon Tetrachloride Plume Remedial Investigation/Feasibility Study Work Plan Former Fort Ord, California" prepared for the Department of the Army Corps of Engineers (Harding ESE Project No. 55596 00112) and Plate 2 from this report. This is evidence of the presence of CT contamination right next to Preston Park where myself and the other protest signers live. This is the most important point. We've got evidence that there is carbon tetrachloride ("CT") contamination of the water we're getting now, and nothing is being done about this problem. We want a chance to present this evidence to your honor to see what you have to say about it, and we believe the MCWD has no right to intimidate us into giving up this right.

Because we are low-income peoples of color, the higher rates may force some of us to move out. It seems to us this is exactly what MCWD is trying to do. Their intimidation tactics prove it. But this won't work. Because we have so little money to begin with, the MCWD's threat to penalize us for $7,000 scares the hell out of us. And we can't afford to hire a lawyer to protect us. But we're not giving up. We're asking your honor to protect our rights. We're also asking you to Order MCWD not to intimidate us the way they've been doing.

To show you that we've got legitimate gripes, we are attaching the October 16, 2002 "Draft Final Operable Unit Carbon Tetrachloride Plume Remedial Investigation/Feasibility Study Work Plan Former Fort Ord, California" prepared for the Department of the Army Corps of Engineers (Harding ESE Project No. 55596 00112) and Plate 2 from this report. This is evidence of the presence of CT contamination right next to Preston Park where myself and the other protest signers live. It shows that MCWD's rate increase doesn't benefit us (and others) because the money from the rate increase isn't being used to deal with the CT contamination. The rate increase money is being used to make the system bigger so it can serve new development. There is no evidence that the new development is going to benefit us.

What's more, as the CT contamination gets worse, and you can bet it will get worse with nothing being done about it, the rates will eventually have to be increased even more to deal with this problem. That's going to drive out even more low-income peoples of color out.

We apologize for our failure to understand your procedures, but we would like the court to stop the threats and harassment by the MCWD for exercising our rights. We're not attorneys and we do not have the money to hire one. But we strongly believe that shutting us out of the process that will eventually force us to lose our homes and our jobs is unconstitutional; I believe this is called "due process." And there is also "equal protection," which means MCWD cannot treat us any differently from other groups of people just because we are low-income peoples of color, which probably also violates the Federal Civil Rights Act and other federal and state laws.

Exhibit 7

Thank you,
LeVonne Stone
cc: Gerald Bowden counsel for Marina Coast Water District, Case No. M60728
Michael Boyd, President-CAlifornians for Renewable Energy, (CARE)

Exhibit 8

To: Gerald Bowden
Dawson, Passafuime & Bowden
A Law Corporation

4665 Scotts Valley Drive
Scotts Valley, California 95066-4291

From: LeVonne Stone
Fort Ord Environmental Justice Network

PO Box 361
Marina, CA 93933

Dear Mr. Bowden,
I am very distressed by the tone and content of your letter to me dated February 28, 2003 (attached). What I find most distressing is that you know myself and the seventeen other signers of the September 2002 "Answer in opposition to and protest of Application for Court Order regarding publication and Notice of Validation Action by Marina Coast Water District" live in Preston Park and are low-income and peoples of color. What upsets us most about your letter threatening us with $7,000 charge for exercising our constitutional rights is your threat appears to us to be racially and economically motivated. Your letter is evidence that you are discriminating against us and trying to intimidate us from having a say in the process that is going to triple our water rates. You should be ashamed of yourself. We have a right to be heard before something like this takes place, and you are continuing to keep us from having that right. Shame on you and your clients.
Your arguments seem very simple-minded. You are saying that merely by expanding the water and sewer system for new development on the former Fort Ord we Preston Park people are automatically benefited and have no right to even complain. This is simply not true, and it sure isn't right. Our rates are being tripled, but we're not getting anything better for our money. We're not getting more water, or faster. And for sure we're not getting better quality water. This is the most important point. We've got evidence that there is Carbon Tetrachloride (CT) contamination of the water we're getting now, and nothing is being done about this problem. We want a chance to present this evidence to the Judge to see what he or she has to say about it, and you have no right to intimidate us into giving up this right.
After moving to Preston Park in 1997 I paid for water and sewer directly to the Fort Ord Reuse Authority. In the fall of last year the Marina Coast Water District began to bill me for these services, along with an increase in the charges above my previous charges by FORA for the same services. Now the MCWD says it's going to increase our rates even more to cover the expansion to the system you claim will automatically benefit myself and the other residents of Preston Park who have signed protests. This is wrong. It doesn't make any sense, and it should be illegal. What's more, other people whose rates are being raised got a chance to have a say about it before the decision to raise the rates was made. We didn't. This is wrong, too.
Making the system bigger so it can take care of more development without adding anything to the service we're getting doesn't benefit us at all. This is especially true about the CT contamination of the water we're getting. We can prove that contamination exists, but the rate increase doesn't do anything about it. As we are not attorney's and don't have the money to hire one, we think this is best left up to the Judge to decide. We also think the Judge should decide if it was wrong that we never got notice or a say in the decision to raise our rates. We think we had a right to be heard, and we also mentioned other things that were done wrong in our protest. These are legitimate points we should have the right to make without being intimidated and scared half to death by your threat to make us pay money you know we don't have. Because we are low income peoples of color, the higher rates may force some of us to move out. It seems to us this is exactly what you're trying to do. Your intimidation tactics prove it. But they won't work. Because we have so little money to begin with, your threat to penalty us for $7,000 scares the hell out of us. And we can't afford to hire a lawyer to protect us. But we're not giving up. We're going to ask the Judge to protect our rights. We're also going to ask the Judge to Order you not to intimidate us the way you've been doing. You should be ashamed.
To show you that we've got legitimate gripes, we are attaching the October 16, 2002 "Draft Final Operable Unit Carbon Tetrachloride Plume Remedial Investigation/Feasibility Study Work Plan Former Fort Ord,

Exhibit 8

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What's more, as the CT contamination gets worse, and you can bet it will get worse with nothing being done about it, the rates will eventually have to be increased even more to deal with this problem. That's going to drive out even more low income peoples of color out.

We're not attorneys and we haven't had the money to hire one. But we did learn and we strongly believe that shutting us out of the process that will eventually force us to lose our homes and our jobs is unconstitutional, I believe this is called "due process." And there is also "equal protection," which means you cannot treat us any differently from other groups of people just because we are low-income peoples of color, which probably also violates the Federal Civil Rights Act and other federal and state laws.

Thank you,

LeVonne Stone

cc: Monterey County Superior Court Case No. M60728

DAWSON, PASSAFUIME & BOWDEN
A LAW CORPORATION
4665 Scotts Valley Drive
Scotts Valley, California 95066-4291
February 28, 2003

Dear Defendant (See attached list)

Re: Marina Coast Water District v. All Persons Interested, Case No. M60728

The above referenced case is set for settlement conference on April 18, 2003, at 1:30 and court trial on May 7, 2003 at 8:30 in Monterey.

I am writing on behalf of the Marina Coast Water District to explain why it is in your best interest to dismiss your opposition to this suit. I an enclosing a form with this letter for that purpose. If you fail to sign and return this form to me within the next 14 days, I will advise the District to seek an award of monetary sanctions from the court against you.

Your opposition to the suit is based on two arguments. You allege that: 1) you will not benefit from the charges in question; 2) the charges were adopted in violation of the open meeting requirements in the Brown Act. Neither argument has legal or factual merit. Let me explain why.

1. Benefit. This suit was brought to validate capital improvement charges imposed on customers using the water system on the former Fort Ord. Those charges will be used to improve the water system. As a resident on Fort Ord you will obviously benefit from those improvements because you use the water system. In short, the capital charges are properly imposed because you will benefit directly from the improvements financed by those charges. While you have alleged otherwise, you have not cited any basis for that denial, nor could you do so as long as you use the water system.

2. Brown Act. Your opposition to the rate validation action alleges that the Marina Coast Water District adopted the resolution authorizing the capital improvement charges after discussing it during a closed session. First, that did riot happen arid there is no evidence that it did. Second, even if the Board had discussed the rates arid charges in closed session, there is nothing improper about such a discussion if it had occurred at a properly noticed executive session. As it happens, the resolution was adopted before, not after the closed session. It could not have been discussed in advance of a closed session which the minutes prove happened only after the resolution was adopted. Furthermore, the rates and charges were not discussed in closed session. The closed session was held to discuss filing this validation action, not the rates and charges. All of this is made clear in the minutes of the meetings in question.

DAWSON, PASSAFUIME & BOWDEN

The law entitles a party who is harmed by an opposing par lfs frivolous defenses to recover the cost incurred as a result of the frivolous defense. E-both of your arguments are devoid of legal or factual merit.

Exhibit 8

At best they are based on a misunderstanding of the facts, and an erroneous view of the law. I am confident that any competent attorney would counsel you to drop your opposition to this suit.

If you force the District to try this case, I strongly expect you to lose. When that happens, I expect the District to ask the court to award monetary sanctions against you for your frivolous tactics. This letter offering to waive the Districts right to recover sanctions against you will be presented to the court as part of that motion. The District's damages from your frivolous actions include the attorneys fees that have been incurred as a result of your decision to oppose this case without having any legally meritorious reason to do so. Those fees for your portion of the case are now in the vicinity of $7,000. By the trial is concluded they will be several times that amount.

I am confident that I can demonstrate that your defense is devoid of merit, and that the court will award sanctions against you. To avoid that from happening, you may sign and return the enclosed document to me in the self addressed envelope. If I receive your signed response within 14 days, the District will not pursue an award of sanctions against you.

If you disagree with anything I have said in this letter, I would be happy to consider your reasons, and the legal authority on which they are based.

Sincerely,

_____

Gerald 0. Bowden, SBN #42530
DAWSON, PASSAFUIME & BOWDEN, INC.
A Law Corporation
4665 Scotts Valley Dr.
Scotts Valley, CA 95066
Telephone: (831) 438-1221
FAX (831) 438-2812
<jerry©dpb-law.com>

Exhibit 9

On May 5, 2003 LeVonne Stone of the Fort Ord Environmental Justice Network discovers to her dismay that FORA has ordered her building painted GREY 7 days after the The Los Angeles Times Magazine published its April 27, 2003 report titled *The Battle of Ft. Ord.* -MB

The report states " To watch her bullyrag the mostly white officials and developers is to be reminded that where most low-wage jobs are held by people of color, there's a racial aspect to excluding them from the coast. Stone never lets the reuse board forget it either. Responding at a recent meeting to the authority's demand that she repaint her purple building, Stone lowered her voice and growled into the microphone, "Color is important to me and my constituency."

Mammoth productive facilities with computer minds, cities that engulf the landscape and pierce the clouds, planes that almost outrace time –these are awesome, but they cannot be spiritually inspiring. Nothing in our glittering technology can raise man to new height, because material growth has been made an end in itself, and, in the absence of moral purpose, man himself becomes smaller as the works of man become bigger. Gargantuan industry and government, woven into an intricate computerized mechanism, leave the person outside. The sense of participation is lost, the feeling that ordinary individuals influence important decisions vanishes, and man becomes seperated and diminished.... When an individual is no longer a true participant, when he no longer feels a sense of responsibility to his society, the content of democracy is emptied. When culture is degraded and vulgarity enthroned, when the social system does not build security but induces peril, inexorably the individual is impelled to pull away from a soulless society. This process produces alienation—perhaps the most pervasive and insidious development in contemporary society. Dr. Martin Luther King Jr.

FOEJN programs for economic development including environmental remediation

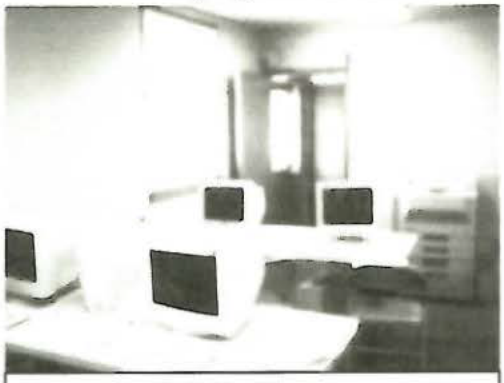

Figure 1 FOEJN Computer Center

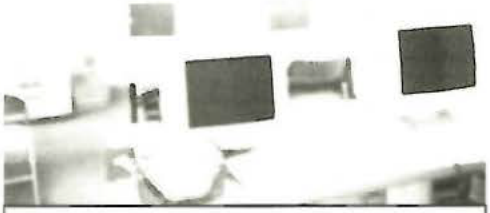

Figure 2 and Network Training

Figure 3 Meeting Space

Figure 4 Classroom space

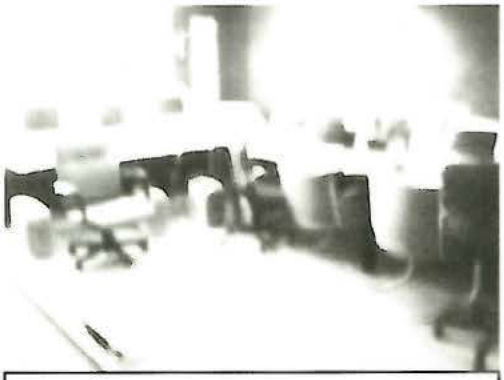

Figure 5 another Computer center

Figure 6 Worship Center

Figure 7 Church Pantry

To: Superior Court of Monterey County
Monterey Courthouse
1200 Aguajito Rd., Courtroom 14
Monterey, CA 93940

We the undersigned petitioners are residents who have experienced adverse health impacts from the prescribed burn at Fort Ord California beginning on October 24, 2003. We the undersigned have reason to believe that as the result of concerted action between the Monterey Bay Unified Air Pollution Control District ("MBUAPCD") and the US Army a prescribed burn, ("the burn"), was implemented on October 24, 2003, in violation of provisions of federal, state and local environmental laws including, but not limited to, the Clean Air Act, 42 U.S.C. §§ 7603 et seq.; the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. §§ 9601 et seq.; the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901 et seq.; California Health and Safety Code sections 41700 and 41800; and District Rules 402, 432.3.4, and 432.3.3.5.,as the result of a Settlement Agreement between the MBUAPCD and U.S. Army over the Fort Ord Prescribed Burns, in that neither agency has performed an environmental analysis or risk assessment as required under the above statutes, the California Environmental Quality Act (CEQA), and the National Environmental Policy Act (NEPA) on such Settlement in order to determine the burn's potential impacts on the environment and public health and safety, prior to the burn. Their Agreement is in settlement of Monterey Bay Unified Air Pollution Control District v. United States Department of the Army and United States Department of Defense, No. CV 99- 20485 (RMW) (N.D. Cal.)

On the Cause of Action (the burn), all petitioners seek this Court's alternative and peremptory writs of mandate, declaratory judgment, and preliminary and permanent injunctions setting aside and restraining the MBUAPCD and U.S. Army from continuing to authorize the Fort Ord Prescribed Burns and the Settlement Agreement's approval purporting to adopt and implement the Settlement's terms and conditions on the grounds that such approvals violate the Supremacy Clause of Article VI of the United States Constitution;

On the Cause of Action, all petitioners seek their reasonable attorneys' fees, and for costs of any suit resulting from this petition herein.

Print Name	Signature	Mailing Address	Date
Print Name	Signature	Mailing Address	Date
Print Name	Signature	Mailing Address	Date
Print Name	Signature	Mailing Address	Date
Print Name	Signature	Mailing Address	Date
Print Name	Signature	Mailing Address	Date
Print Name	Signature	Mailing Address	Date
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