

# Salinas Seeks Housing Solutions

by Amy Wu, *The Salinas Californian*

*Editor's Note: Reporter Amy Wu has done an outstanding job in explaining the complex housing challenge facing Salinas, in a very readable way. While this article is a bit longer than we normally publish, it's worth your time.*

*The Chamber's important role in this process bears noting. Our CEO joined housing advocates and developers on the City of Salinas's Technical Advisory Committee that worked for nearly two years and which successfully forged compromises that will allow developers to start building.*

*Having an adequate supply of housing is vitally important to our City's economic development and this behind-the-scenes work is part of why you support your Chamber. Now, on with the article!*

"It's a perfect little storm. I would love to build but there is no more land in Salinas," said Ray Harrod Jr., a long-time Salinas-based developer, noting the shortage of available rental units too. "It becomes a supply and demand issue. People start raising their rents accordingly. It would be good if we can have more inventory but there's no new housing. Our population is growing, there are no new places to build."

Agriculture is also an important part of the housing discussion.

"Salinas might as well be surrounded by an ocean, it's very difficult to build on ag land," said Jyl Lutes, a planning commissioner, and former City Council member, pointing to the landscape of big scale farming that the city is known for. "We've got some of the best soil in the world. We can't pave over our farmland otherwise we will lose our jobs, but no question the city has to grow, too."

Megan Hunter, the city's community

development director agrees.

"We are kind of stuck, except for the Future Growth Area, there is a lot of restriction for conversion of ag land to housing," she said.

Hugh Walker, the developer for Thrust IV known for the Creekbridge development in North Salinas, said the Future Growth Area (FGA) a much-anticipated development that is expected to bring an estimated 11,445 new housing units to the city, was put on hold as developers abandoned the project during the 2008 economic downturn.

"There was a push to get it annexed and to a point where we could build. We were having weekly meetings, and everything was in place to decide on all the different components, but then the recession hit. Everyone (many of the developers) said let's get out of here, so for about four or five years nothing happened."

## Defining Affordable Housing

According to the U.S. Department of Housing and Development, families who pay more than 30% of their income for housing are considered cost burdened and may have problems affording basic necessities including food and medicine. And according to the Salinas Housing Element Report, 49% of Salinas homeowners pay more than 30% of income for housing, and 24% pay more than 50% of their income for housing.

When it comes to renters, 52% pay more than 30% of income for housing, and 24% percent of renter households pay more than 50 percent of their income for housing. The average cost of a house in Salinas is now in the ballpark of \$426,000 and has grown over the past few years, housing developers say. As of May 2017, the average apartment rent in Salinas was \$1,521 according to Rent Jungle's data analysis.

A challenge is the city's median household income of \$49,728 in comparison to the state's median household income of \$61,320 and the average of \$94,572 in nearby Silicon Valley.

An ongoing challenge for city officials has been expanding affordable housing while also offering business-friendly policies that invite developers to build in Salinas.



**Dai-Ichi Village Senior Affordable Housing Development recently held its grand opening.**

(Photo: HDC)

**HOUSING - CONTINUED ON PAGE 5**

## Salinas Valley CHAMBER OF COMMERCE BUSINESS JOURNAL



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**CREATING A STRONG LOCAL ECONOMY - PROMOTING THE COMMUNITY  
PROVIDING NETWORKING OPPORTUNITIES - POLITICAL ACTION  
REPRESENTING THE INTERESTS OF BUSINESS WITH GOVERNMENT**

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## Oktoberfest – Celebrating 99 Years

by Paul J. Farmer, Chamber CEO

It's almost time for the Chamber's big new shindig. Not too long ago, I heard someone say "People don't think of fun" when they think of the Chamber." Oh really? Challenge accepted! We like to think that is not the case when it comes to this particular Chamber. We work hard and play hard, too.

We've been planning this fantastic event with the meticulous and creative Marci Bracco Cain from Chatterbox PR. She has a well-deserved reputation for putting together some of the best fundraising parties in our area. See what we're cooking up for you and then sponsor the event or buy your tickets. Our space limits the number of partygoers we can welcome, so more than half of the tickets are expected to go to sponsors.

This Oktoberfest party takes place at the hip and thriving Alvarado Street Brewery. You don't have to drive to their location in Monterey because they've developed a great location at their brewing facility on Dolan St in Salinas, where our party will unfold.

### Chefs and Wineries, Oh My!

Included in your ticket price, the following restaurants will be offering some of their delicious bites: Forge in the

Forest, Luigi's, Boardwalk Sub/Wild Thyme, Carmel Honey, Ventana, Portobello's, The Meatery, Famous Dave's.

Wouldn't a glass of wine be a nice accompaniment? Here are some of our participating wineries: Morgan Winery, Joyce Vineyards, Blair Winery, Bernardus Winery, Shale Canyon Wines, Caraccioli Cellars, Twisted Roots, Scheid Vineyards.

Alvarado Street Brewery will offer a variety of their beers for our guests. And to carry around that delicious beer, we'll gift you a commemorative stein, thanks to our Presenting Sponsor 1st Capital Bank.

### The Event

We will have a silent auction and have procured some exciting raffle prizes. We'll keep the program to a minimum so you can enjoy time your time strolling with friends and enjoying the food and drinks.

At this event, we will announce what the Chamber will do to celebrate our 100th anniversary in 2018. We're planning to go big. Our business community has relied on a vibrant

Chamber for nearly 100 years, and we look forward to making an even bigger impact in the years to come.

- **What:** Oktoberfest - 99 Years of ChamBEER on the Wall
- **When:** 6-9pm, Saturday Sept 9 (that's 9/9)
- **Where:** Alvarado Street Brewing, 1315 Dayton St, Salinas
- **How much:** \$99, includes stein and food, wine and beer
- **Registration:** [www.SalinasChamber.com](http://www.SalinasChamber.com) or 831-751-7725



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# Farmer Flexes for Local Bike Paths

by Frank Geisler, Chamber Board Chair

As this year's Chamber Board Chair, I am always looking for ways for our Chamber to get involved in giving to the community. I share that quality with Paul Farmer, our Chamber CEO. He is an inexhaustible source of enthusiasm for community involvement. So, I was hardly surprised when he told me he was going to be involved in a charity 300-mile bicycle ride.

Just a few weeks ago, Paul hopped on his bike and set off on the "Climate Ride." This nonprofit organization works to protect our planet and improve lives through

sustainability and active transportation.

Paul rode alongside nearly 200 other cyclists on a route that began at the Presidio in San Francisco and ended five days later in San Luis Obispo. After camping Saturday night in Watsonville, the Climate Riders rode through Monterey County. Along the way, friends and supporters cheered Paul on. For many riders, including Farmer, this was their first "century ride," covering at least 100 miles in a single day (Paul told me he pedaled 112 miles that day).

Each Climate Rider raised funds and designated a benefiting charity to which half of the funds they raise will be directed. Farmer chose "Bike Santa Cruz County," a local organization that aims to help fund the next segments of the Monterey Bay Sanctuary Scenic Trail. That trail currently enables riders to bicycle from Pacific Grove to Castroville but the vision is to connect it to



Paul shows off his calves here. He encouraged friends to donate by writing donor names on his calves.

an existing trail in Watsonville so riders will be able to bike the entire bay from Monterey to Santa Cruz.

As this ride was for charity, Paul creatively sold ad space on his legs and arms to raise money to help support "Bike Santa Cruz County".

Before he took off, Paul said, "I am excited and admittedly a little scared about this ride. It's definitely going to be a challenge for me. But I decided 2017 should be all about making the change we want to see in this world. Many people, myself included, have been turned off by the animosity in national politics. I'm working to harness my energy in a positive way."

*Congrats Paul and thanks for putting your enthusiasm to good use!*



Chamber Board Chair Frank Geisler shares a smile with his trustworthy companion, Flash

**I welcome your feedback.**

– Frank Geisler  
2017 Chamber Board Chair,  
Frank@Geisler3.com  
831-917-2802



CEO Paul Farmer made a new friend in Jenna Totz from MN. The "Climate Ride" participants biked 300+ miles over five days, for charity.

## Salinas Valley CHAMBER OF COMMERCE BUSINESS JOURNAL

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Photo by Batista Moon Studios

L to R: John Battista, Kathy Torres, VP SBA Loan Officer MCB;  
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## HOUSING - CONTINUED FROM PAGE 1

### Updating Inclusionary Housing

At the Salinas City Council meeting on June 6, council members unanimously passed 7-0 an amended version of the inclusionary housing ordinance.

Some council members, notably Councilmember John 'Tony' Villegas, shared their concerns about inclusionary housing before the vote.

"What would our car dealerships say if we had an inclusionary ordinance for cars and required new cars be provided at less than what the market dictates? What about an inclusionary ordinance regarding smartphones?" Villegas wrote in a letter, which he shared with Salinas Mayor Joe Gunter. "Inclusionary policies have good intentions, however, they harm the very people they are intended to help, and the rest of us as well, in the form of high prices."

The vote received applause from attendees, many of them community leaders and housing advocates, who packed the City Hall rotunda that evening.

The ordinance has been heavily discussed and debated between key stakeholders — the city, the developers and housing advocates. For more than a year the TAC Technical Advisory Committee was set up to specifically review the existing inclusionary housing ordinance and revise as needed for the current economic housing market. It was made up of representatives from the various interests and met regularly to come up with an ordinance that replaces the existing ordinance passed in 2005.

"We tried to craft a much more flexible ordinance from 2005, we changed the percentages quite a bit," said Megan Hunter.

Key parts of the amended ordinance:

- Lowers the percentage of affordable housing in new housing developments for sale to 15% to 20% versus 20% to 35% in the city's existing ordinance. The percentages depend on the options in types of housing, which can include a mix of rental and sales.
- If developers choose not to include affordable housing in their development, there's the option to pay an in-lieu fee of \$2 per square foot on all rental units developed and \$12 per

square foot on all for sale units. The funds go into the city's Inclusionary Housing Trust Fund, which can be used to provide affordable housing.

- Offers affordable housing to a range of households under the categories of very low income, lower income, median income, moderate income, and workforce income households.
- The ordinance affects both units for rent and for sale and includes single-family homes and apartments.
- Developers use the same materials and specifications as market rate units.
- Downtown Salinas is exempt from the inclusionary housing ordinance [Ed. for the first five years of the ordinance].

### Looking to the FGA

Housing developers interviewed for this article said that while they understand the need for affordable housing, if they had their choice they would prefer not to operate under inclusionary housing. Some expressed frustration by the constraints placed on developers from all aspects.

"It's basically forced on us... It's basically like you have to do this if you want your entitlements," said Hugh Walker. "Why is this not a community-wide issue? You can have a quarter-cent sales tax and raise funds to repair potholes and for the police and fire, but whenever there's meetings out there everyone says the number one concern is housing, yet no one wants to raise anything for affordable housing. That puts us in a bit of quandary — with the cost of impact fees, construction, and land it makes it harder and harder to provide affordable housing and make it work."

That said, the developers agreed a compromise was necessary in order to start building in a city that is starving for new housing.

Indeed, one of the most significant housing developments in the pipeline is the FGA, an estimated 2,457 acres located north of East Boronda Road between San Juan Grade Road and Williams Road outside the city limits and primarily farmland purchased by developers (including Ray Harrod Jr. and Hugh Walker) from growers, which is expected to be built out over a number of years.

Once completed, FGA — often referred to as the next 30 years of growth — is expected to have 43,000 residents, at least 1.6 million square feet of retail and office commercial space, and businesses that will generate some 4,049 jobs.

In addition, the FGA will include at least one new fire station, a new library, and two new recreation centers and the total cost is not confirmed yet.

The FGA is currently going through an environmental impact assessment, and if all goes as planned, building could start in fall 2018.

Retail in the FGA is already ramping up with the building of Lowe's Home Improvement, which is part of FGA.

Walker said he can't confirm when

the houses will be placed on the market, but said when the time comes developers will post the information in the newspaper and it will be first come first serve for those who qualify.

Also, owners will be able to resell the home and the gap money — the price developers lowered — would go back to the city if sold, thus it is designed to encourage owners to stay longer.

In the meantime, he pointed out that renters and buyers are looking to the nearby cities of Hollister, Marina, Soledad, Gonzales and King City for affordability and availability.

### Looking Ahead

Lutes called FGA a solution to the city's overall housing shortage and lack of affordable housing. "It's one big solution but it's still one tool in the toolbox."

Other possible ways to expand housing supply is to include downtown Salinas in the inclusionary ordinance, which can attract young professionals. The building of the Salinas Intermodal Transportation Center, which will include a commuter train to San Jose, is another opportunity for developers.

"They should be building condos or apartments there. Again you get the Millennials, the people who would actually commute to Silicon Valley and they can afford to own their own place," Lutes said.

In the long run, affordable housing is important for the city's overall growth, Lutes said.

"You want people to invest in a home because then they invest in their community, but they stay in their community. It's critical for people who work in Salinas to be able to buy a home here," she said, noting homeowners contribute to everything from property and school taxes to buying local. "We really need to get teachers, office workers, reporters, all those people who are the backbone of their community."

Both the FGA and passage of the amended inclusionary act is something the business community supports too.

"The Chamber wants to see more local construction to address our serious housing shortage. If no housing is built, then everyone loses," said Paul Farmer CEO of the Salinas Valley Chamber of Commerce. "We are pleased that the advocates for affordable housing, the property developers, and the Chamber were able to agree on a workable compromise. Over the long term, this should represent a big win for the community by enabling construction of thousands of new housing units, including a significant amount of affordable housing."

Cesar Lara, a Building Healthy Communities staffer who sat on the city's Technical Advisory Committee, also said he is pleased with the amended ordinance.

Lara pointed out that Salinas' economy is driven by agriculture and hospitality, and an estimated 65% of jobs in Monterey County are in agriculture and hospitality with many of those workers living in Salinas.

"I am happy that we have something that



**A first draft of how the MidPen housing project on Soledad St might look. The project will include artist studios.** (Photo: DAHLIN GROUP)

will help the community out. It was basically an even trade and I consider it a win," he said.

With the FGA around the corner, developers including Harrod and Walker and B & K, a current participating developer, are gearing up. Developers, some from the San Francisco Bay Area, are also returning to the FGA project after walking away during the downturn.

Harrod said ultimately the inclusionary housing ordinance needed to be amended so the FGA could move forward. When the last ordinance passed in 2005 the housing market in Salinas was sky-high and developers would not be able to build homes under the mandatory percentage of affordable housing.

Harrod, whose family has been building homes in Salinas for 60 years and now spans four generations, said affordability can be relative too.

"I think \$420,000 as a sales price in Salinas is not crazy, that's not expensive and that's the average," he said. "Three years ago it was very affordable, there were all these foreclosures and the homes were in the range of \$300,000. When you look at 2005 when homes were going for \$1 million, that is what I call unaffordable."

### IN THE PIPELINE

The following are affordable housing projects in Salinas that are in the works.

- MidPen Housing: a 90-unit housing mixed-use complex (including artist studios) to be located at 21 Soledad St. in the heart of Chinatown. It is expected to open in 2019.
- Haciendas 3: the buildout of 42 affordable housing units for seniors and an additional 50 units for low-income families.
- Farm Worker Housing Study: the city hired a consultant to conduct the study and is researching ways to expand much-needed housing for farm workers in Salinas, including exploring extending the current 28-day limited stay in hotels and motels.
- Monte Bella Subdivision: there are 76 additional units being built now.

Contact Government Reporter Amy Wu at 831-754-4285 or [awu@thecalifornian.com](mailto:awu@thecalifornian.com). Follow Wu on Twitter @wu\_salnews or [www.facebook.com/amywucalifornian](http://www.facebook.com/amywucalifornian).



**Newly constructed townhouses on the corner of Constitution and Independence Blvds, Creekbridge, Northeast Salinas**

(Photo: Joe Truskot/The Salinas Californian)

# Marketing 101

tips & advice on digital marketing

by Phil Fisk, President  
Coastline Marketing Group



## Who Is Your Ideal Customer?

Every time you market, you want the campaign to be successful. In order for this to happen, you need to know who your ideal customer is. This will allow you to speak to them effectively within the campaign so they respond positively to your message and use the call-to-action to contact you or buy from you.

### Why a Target Demographic Isn't Good Enough

You might already know some basics about your target demographic. These include some vague statistics, such as:

- Age range
- Gender
- Geographic location

You're making a lot of assumptions with this information. Plus, you don't have enough details to really home in and speak the right language, use the right visuals, or anything else. What happens is that if you don't "guess" right, you could lose your customers before you have had a chance to close the deal.

### How to Create a Buyer Persona

The best way to figure out who your ideal customer is requires creating a buyer persona. You basically bring the specifications to life in order to identify who you are marketing to. This should be a process you go through with each product or service you offer to ensure you know who it is that you want to buy from your business.

With a buyer persona, you can create a graphic of what your customer actually looks like. You should also be able to identify such things as:

- Marital status
- Gender
- Age
- Occupation
- Type of home they live in
- Hobbies

For example, if you are a plumbing company, your average customer might be a 40-year old female homeowner who is married. She's an administrative assistant in her day job and therefore wants a job taken care of quickly. She lives in a small single-family home with her husband, a dog, and two small children.

Now that you know all of this about your customer, think about how that's going to change your approach to marketing.

If you choose a graphic, you can find one that looks like your buyer persona. People are more likely to click on an ad that resembles who they are. In the previous example, if you choose a graphic with a male teenager, your ideal customers are going to take one look at your ad and keep on scrolling.

The language you use for one set of people versus another is going to be different, too. Your goal in marketing is to identify the pain points that your ideal customer has. A middle-aged married woman is going to have different pain points from a male teenager and even from a female teenager.

You might have multiple buyer personas and this also means using different marketing campaigns to reach each one. It will allow you to focus on the right marketing message for everyone and therefore be able to close more deals. You will get a better return on your investment, too. Forget about target demographics and start creating buyer personas so you know more about your ideal customers.



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# Fort Ord Reuse Moves Forward

by Josh Metz, Fort Ord Reuse Authority

The Fort Ord Reuse Authority (FORA) was formed under State Law in 1994 to oversee the reuse and economic recovery from the 1991 closure of Fort Ord. Adopted in 1997, the Fort Ord Base Reuse Plan (BRP) provides the policy and land use framework to guide the reuse/recovery process. Framed on 3 principles: Economic Recovery, Educational Reuse, and Environmental Conservation, the BRP aims for a balanced, resource constrained program yielding new educationally centered communities, conserved native habitats and wide open spaces, and bustling new town centers.

Significant realization of the BRP vision has been achieved over the past two decades – especially in the educational and environmental components of the mission (remediation (military waste, groundwater contamination, and unexploded ordnance), land and native community conservation, and infrastructure). A centerpiece of the recovery, the California State University Monterey Bay (CSUMB) campus has emerged a shining light of the reuse/recovery. Now in its 20th year of operation, CSUMB has 7100 full-time students and employs over 1000 faculty and staff. CSUMB anticipates a 15,000 student population by 2025.

In addition to the growth of CSUMB, new conservation and recreation lands have been dedicated on ~18,000 of 28,000 historic Fort Ord acres. The 14,500-acre Fort Ord National Monument was dedicated in 2012 by President Obama. The 1000-acre Fort Ord Dunes State Park - including nearly 4-miles of Monterey Bay Marine Sanctuary shoreline - was dedicated in 2009. Together, with 600-acres of the UC Fort Ord Natural Reserve and other associated conservation lands, these properties represent major conservation accomplishments to preserve native coastal habitats for generations to come.

The 380 unit Seaside Highlands community was the first post-closure residential project to be completed. More recently, 3 new community developments have activated, 2 within the jurisdiction of the City of Marina (Dunes on Monterey Bay and Sea Haven) and 1 in the County of Monterey (Homes at East Garrison). These developments are among the ~3500 approved new housing units slated for completion on the former Fort Ord. Along with residential construction, both the Dunes on Monterey Bay and East Garrison projects

include major new town centers with commercial and institutional development. The cities of Monterey and Del Rey Oaks each have future development plans on portions of their respective former Fort Ord lands.

FORA's current Economic development strategies include: building on regional economic strengths (agriculture, tourism/hospitality, education, recreation, and government); engaging with regional partners (CSUMB, UCSC, MBEP, MCBC) and community stakeholders; pursuing new and retaining existing businesses; developing and maintaining information resources; and measuring and reporting progress. FORA works very closely with its member jurisdictions and members to activate reuse projects, and find new business and jobs growth opportunities and realize the BRP reuse visions.

FORA is actively engaged with regional economic development initiatives including the Monterey Bay Economic Partnership, the City of Salinas Agtech ecosystem, Monterey County Business Council, CSUMB, UCSC and others. Opportunities to watch in the months ahead include new R&D/light industrial land development opportunities at the UC Monterey Bay Science, Education and Technology (UCMBEST) center; and continued activation of entrepreneurship events including Startup Monterey Bay Tech Meetups and Startup Challenge Monterey Bay. All this information and more is available on the new economic development oriented website [www.OrdForward.com](http://www.OrdForward.com) and by contacting Josh Metz at FORA. [Josh@fora.org](mailto:Josh@fora.org)



## Housing Starts



[www.OrdForward.org](http://www.OrdForward.org)



Year	Active Projects
FY 14/15	2
FY 15/16	2
FY 16/17	3

New Housing	Pre FY** 14/15	FY 14/15	FY 15/16	FY 16/17 (projected)	Total
New Residential*	281	89	217	300	887
Replacement*	1565	0	0	20	1585

\*New Residential Unit Cap = 6160; Replacement Unit Cap = 1813

\*\*Pre FY 14/15 sources = [CIP Annual Reports](#); Post FY 14/15 sources = CFD fee invoices.

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What? It's the Salinas Valley Chamber's 99th Anniversary?  
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# Housing Trust Funds First Loan to CHISPA

The Monterey Bay Housing Trust (MBHT), a joint program of the Monterey Bay Economic Partnership (MBEP) and Housing Trust Silicon Valley, has announced its first loan — \$500,000 to Community Housing Improvement Systems & Planning Association, Inc. (CHISPA) to assist in the development of the Castroville Oaks Affordable Housing Community. Funds will be used for design, environmental review, and other pre-development expenses, allowing construction to begin in 2019.

Castroville Oaks includes 124 apartments and approximately 90 homes on a 44-acre site near the intersection of Highway 156 and Castroville Boulevard. The apartments will serve very low and low income families, and the homes will be sold to moderate income households.

"CHISPA has been a leading nonprofit housing developer in Monterey County for decades, so it is fitting for them to receive the Monterey Bay Housing Trust's first loan. This



housing development will address the housing needs of our local workforce such as teachers, hospitality, retail and agricultural employees," said Matt Huerta, MBEP Housing Program Manager. "We look forward to catalyzing more affordable housing projects in the region in the months ahead."

Last year MBEP entered into a partnership with the Housing Trust Silicon Valley to provide loans for affordable housing in the Monterey Bay region, including Monterey, Santa Cruz,

and San Benito counties. This loan is the first to be made from the \$10 million fund.

"Through innovation and collaboration, we can achieve meaningful impacts to combat the regional affordable housing crisis," said Kevin Zwick, CEO of Housing Trust Silicon Valley. "It was important to us to find ways to serve the Monterey Bay area so that more families have opportunities to find affordable places to live."

The CHISPA loan was also enabled

by a contribution from United Way Monterey County, one of several community partners that committed funds to the Monterey Bay Housing Trust. "The lack of affordable, quality housing for working families is affecting the health, safety and educational achievement of our residents," said Katy Castagna, CEO of United Way Monterey County. "We are delighted to be working with MBEP to leverage our donor dollars so effectively. We all need to work together to improve opportunities in housing."

"The Monterey Bay Housing Trust is a new resource in the region and we're excited to receive its first loan for the Castroville Oaks development," said Alfred Diaz-Infante, CEO of CHISPA. "This effort will help us improve people's lives and create a healthy, and much needed, neighborhood in Castroville."

*More information can be found on the MBEP website.*

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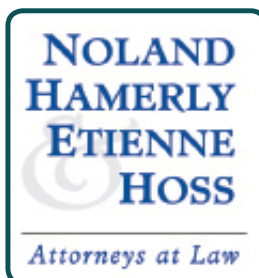
# Three Tips for Dealing with Legal Disputes

By Nick Smith, attorney with Noland, Hamerly, Etienne & Hoss



Smith

For businesses, legal disputes and litigation can be problematic. Businesses not only bear costs associated with litigation in the form of attorney's fees, but also costs associated with the time spent by employees on the dispute. Employees of a business involved in a legal dispute may spend time gathering relevant records, preparing for and attending depositions, and making decisions about the handling of the case. If the matter is not resolved prior to trial, additional employee time will be required for the trial. In addition, there can be emotional costs associated with legal disputes as they are mentally taxing on the involved parties.



With all this in mind, I would like to share three tips that can help keep litigation costs down and help to achieve a desired result in a legal dispute.

## Tip 1: Communicate early and often

Good communication between attorneys and clients increases the probability of success in a matter. The more your attorney knows about your case and the more documentation he or she has to support your position, the better off you will be.

Seemingly minor details like a three-year-old e-mail or company document, an obscure memo, or a recollection of a conversation with the opponent can make a difference in legal disputes. Only through effective communication and flow of information will your attorney have access to these potential gems. Further, talking with your attorney about the legal dispute may help alleviate stress and concerns you have about the case. Spending the time on the front end with your attorney will likely save you in emotional and financial cost on the back end.

## Tip 2: Be appropriately engaged in the dispute

Somewhere on the theoretical continuum between complete disengagement and being overly concerned about a case is the sweet spot of appropriate engagement. For example, when your attorney sends you those extremely tedious discovery requests from your opponent, try to review them carefully and provide complete responses. If you can't figure out what the requests mean (and this is not uncommon – sometimes they just don't make sense), call your attorney and ask. That's textbook appropriate engagement. Does active participation raise your costs in that time is spent on the litigation and not on your business? Perhaps, but being engaged in the case can save on costs down the road by contributing to a better result.

## Tip 3: Consider Alternative Dispute Resolution

Alternative Dispute Resolution ("ADR") is resolving your dispute, before or during litigation, outside the courtroom. The most popular ways ADR methods are mediation and binding arbitration. Mediation and arbitration have become extremely popular as the costs of litigation rise. Often, retired judges or experienced attorneys serve as mediators or arbitrators and preside over your dispute. For example, Monterey County Superior Court has a court-directed mediation program that is often used to resolve ongoing litigation at early stages before litigation costs mount. The vast majority of cases do settle and ADR can be an efficient way to settle a dispute at a fraction of the cost of taking a case to trial, and potentially through appeal.

Nick Smith is an attorney with Noland, Hamerly, Etienne & Hoss law firm in Salinas and Monterey. He focuses his practice on litigation and business matters. This article is intended to address topics of general interest, and should not be construed as legal advice. For more information, visit [www.nheh.com](http://www.nheh.com), or contact the author at [nsmith@nheh.com](mailto:nsmith@nheh.com).

# State's Budget Carries Big Risks

By Dan Walters, CalMatters

Gov. Jerry Brown and legislative leaders are patting themselves on the back for what Brown describes as a "balanced and progressive budget" for the 2017-18 fiscal year that begins July 1.

The "progressive" description of the \$185 billion budget alludes to expanding benefits for the very large number of impoverished Californians – at least a quarter, and perhaps more than a third of the state's 39 million residents. They include an expansion of the state's new "earned income tax credit" from low-income wage workers to the low-income self-employed.

The "balanced" claim refers to politicians' traditional view that if they don't spend every last dollar the state receives, or is projected to receive, a budget is "balanced."

However, a more comprehensive view of the state's financial situation clouds that characterization.

For instance, while the \$125 billion general fund doesn't directly rely on borrowed money, as have past budgets, it also doesn't account for an increase in debt that will have to be eventually covered by general fund taxes, such as income and sales levies.

Brown's revised budget proposal, released last month, points out that "the state now has \$282 billion in long term costs, debts, and liabilities. The vast majority of these liabilities – \$279 billion – are related to retirement costs of state and University of California employees (which) have grown by \$51 billion in the last year alone due to poor investment returns and the adoption of more realistic assumptions about future earnings."

The budget does little or nothing to whittle down that burden on future

generations of taxpayers.

The budget allocates nearly \$6 billion just for payments to the California Public Employees Retirement System (CalPERS) and Brown's budget predicted sharp increases in the years ahead. He proposed, and legislators endorsed, another \$6 billion one-time payment by borrowing the extra payment from another state fund.

Borrowing to make the extra payment would not reduce the state's overall debt, obviously. Brown contends that it would save money in the long run, because the interest paid on the loan would be less than the projected growth of pension debt.

It's quite similar to the "pension obligation bonds" that local governments have floated, hoping to come out ahead via arbitrage, but they have sometimes backfired, and Brown is betting \$6 billion that CalPERS can achieve its 7 percent annual earnings goal despite what the governor describes as "poor investment returns."

Even if this fiscal gimmick works as hoped, the state's retirement debt will continue to grow. The state's regular payments to CalPERS fall way short of what would be needed to keep the debt from growing, much less pay it down. Overall, CalPERS has less than two-thirds of the money it needs to cover all pension commitments.

Another cloud on the budget is the \$9.9 billion in reserves that Brown and legislative leaders are touting as hedge against an economic downturn.

Most of it is in a "rainy day fund," it had better be a very light shower, because it's a truly paltry sum. Brown's own budget staff estimates that even a moderate recession would slash state revenues by \$55 billion over three years, largely because the state has become ever-more-dependent on income taxes from a relative handful of affluent taxpayers, making its revenue stream increasingly volatile.

The state sorely needs tax reform to reduce that volatility and ensure that the money will be there for all the goodies Brown and legislators are happily handing out. But that would take political will that is in very short supply.





# IMPOWER - Overcoming Fear

On May 11th, several hundred guests enjoyed a lovely afternoon at Corral de Tierra Country Club for the second of three yearly IMPOWER luncheons. Sponsored by Comerica Bank, Salinas Valley Memorial Healthcare System, and Scheid Vineyards, the lunches provide an opportunity to connect with friends and colleagues in a relaxed setting, do a bit of shopping from the featured vendor, learn about a local nonprofit, win raffle prizes, bid on some unique live auction items, and hear thought-provoking keynote speakers. IMPOWER continues to support numerous nonprofit organizations with funds raised at the luncheons. The featured nonprofit that benefited from the May luncheon was the Monterey Peninsula College Foundation.

Keynote Speaker, Sarah Gerhardt, captivated the audience with her inspiring talk entitled *Overcoming Fear- Lessons from Mavericks and Academia*.

Gerhardt overcame tremendous personal obstacles in her early years but through grit and determination, earned a BS in chemistry from Cal Poly San Luis Obispo in 1997. As if that isn't enough of an achievement, she followed that up

with being the first woman ever to surf the monstrous waves of Mavericks in 1998. She'd been preparing for that challenge by surfing and working out relentlessly in Hawaii with her big wave partner, who is now her husband, Mike Gerhardt. Together, they paddled out to Mavericks, a big wave surf spot near Half Moon Bay. After watching Mike ride waves for a while, Sarah gathered her strength, courage and sheer will and caught waves too. Since then, Sarah has completed a Ph.D. in Physical Chemistry, surfed Mavericks many more times, had two children, completed a Post-Doc in Molecular Biology, and is now a Chemistry Instructor and Department Chair at Monterey Peninsula College. She lives in Santa Cruz with Mike and their children where they enjoy board sports and volunteering with the Ride A Wave program.

One of the live auction items included private surfing lessons from Sarah and Mike. We look forward to hearing about that adventure from the winner at our next luncheon which will be held on October. 5, 2017. **Hope to see you there!**

# CA Solar Power Glut?

By Ivan Penn, LA Times

**California invested heavily in solar power. Now there's so much that other states are sometimes paid to take it.**

On 14 days during March, Arizona utilities got a gift from California: free solar power.

Well, actually better than free. California produced so much solar power on those days that it paid Arizona to take excess electricity its residents weren't using to avoid overloading its own power lines.

It happened on eight days in January and nine in February as well. All told, those transactions helped save Arizona electricity customers millions of dollars this year, though grid operators declined to say exactly how much. And California also has paid other states to take power.

The number of days that California dumped its unused solar electricity would have been even higher if the state hadn't ordered some solar plants to reduce production — even as natural gas power plants, which contribute to greenhouse gas emissions, continued generating electricity.

Solar and wind power production was curtailed a relatively small amount — about 3% in the first quarter of 2017 — but that's more than double the same period last year. And the surge in solar power could push the number even higher in the future.

Why doesn't California, a champion of renewable energy, use all the solar power it can generate?

The answer, in part, is that the state has achieved dramatic success in increasing renewable energy production in recent years. But it also reflects sharp conflicts among major energy players in the state over the best way to weave these new electricity sources into a system still

dominated by fossil-fuel-generated power.

No single entity is in charge of energy policy in California. This has led to a two-track approach that has created an ever-increasing glut of power and is proving costly for electricity users. Rates have risen faster here

than in the rest of the U.S., and Californians now pay about 50% more than the national average.

Perhaps the most glaring example: The California Legislature has mandated that one-half of the state's electricity come from renewable sources by 2030; today it's about one-fourth. That goal once was considered wildly optimistic. But solar panels have become much more efficient and less expensive. So solar power is now often the same price or cheaper than most other types of electricity, and production has soared so much that the target now looks laughably easy to achieve.

At the same time, however, state regulators — who act independently of the Legislature — until recently have continued to greenlight utility company proposals to build more natural gas power plants.

These conflicting energy agendas have frustrated state Senate Leader Kevin de Leon (D-Los Angeles), who opposes more fossil fuel plants. He has introduced legislation that would require the state to meet its goal of 50% of its electricity from renewable sources five years earlier, by 2025. Even more ambitiously, he recently proposed legislation to require 100% of the state's power to come from renewable energy sources by 2045.



**In Western Kern County, solar panels on almost two square miles of land form the Beacon Solar Project, owned by the Los Angeles Department of Water and Power.** (Mel Melcon/Los Angeles Times)

## IMPOWER

A project of the Salinas Valley Chamber of Commerce

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\*Out of respect for the Country Club's dress code, no jeans please.

This article continues online at  
[www.latimes.com/projects/la-fi-electricity-solar](http://www.latimes.com/projects/la-fi-electricity-solar)

# New and Renewing Members

*The Chamber thanks our New and Renewing Members.*

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Duda Farm Fresh Foods  
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Pacific Gas & Electric Company  
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# New Member Profiles

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allows great depth in my understanding of the variety of legal issues affecting people's lives and businesses. Se habla español.

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# New Member Profiles

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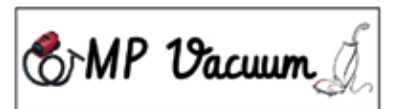
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# Public Pension Liabilities Vastly Outpacing Contributions

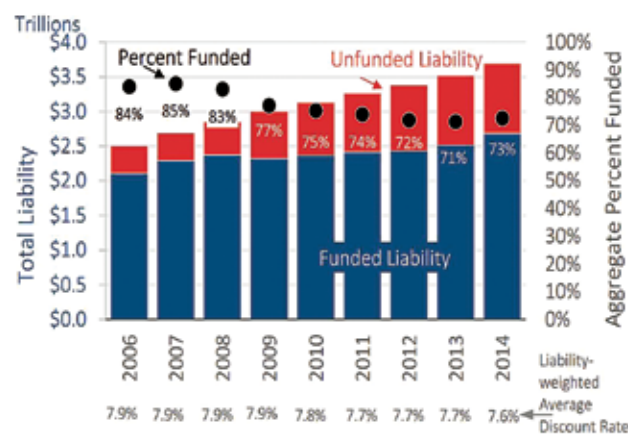
by Hazel Bradford, Pensions & Investments

Contributions to public pension plans have increased in recent years, but their unfunded liabilities have increased more, according to an analysis by the Society of Actuaries.

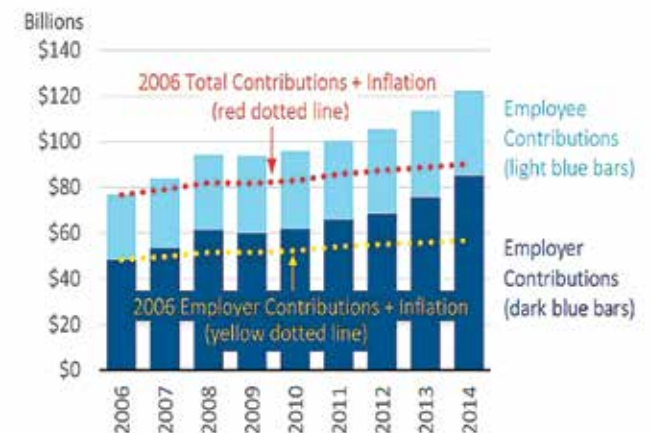
Between 2006 and 2014, employer contributions increased 76%, up to \$85 billion in 2014 from \$48 billion, and employee contributions increased 30%, to \$37 billion from \$28 billion. Total unfunded liabilities increased 150% to \$1 trillion in 2014 from \$400 billion in 2006, and the plans studied were 73% funded by the end of 2014.

The SOA analysis used public data for 160 state and large city public pension plans covering roughly 27 million participants. The complete study is available on the website of the Society of Actuaries.

AGGREGATE LIABILITIES AND FUNDED STATUS (130 PLANS)



AGGREGATE CONTRIBUTIONS (130 PLANS)



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# Chamber Ambassador

*Jon Brandt*



*Jon Brandt*

Jon and Emily Brandt moved to the Central Coast in 2000 when Jon retired after 20 years with the Marines. Jon is the local owner and general manager of Always Best Care Senior Services on the Central Coast. With this business he serves his neighbors throughout Monterey County by providing compassionate in-home attendant care for adults needing help with their activities of daily living.

Jon joined the Salinas Valley Chamber of Commerce and opted to become an Ambassador. As an Ambassador, he enjoys meeting Chamber members and promoting the value of a connected and interactive community while constantly learning about that community. Always looking for ways to improve the lives of others, he volunteers in several capacities

locally. He is a Watch Lead with the Los Olivos-Riker Neighborhood Association (LORNA). He drives with ITN Monterey and Meals on Wheels Salinas Valley as well as sitting on the Board of Meals on Wheels Salinas Valley. He is also a Licensed Training Provider for the American Red Cross and offers free training in Family Caregiving.

The Central Coast offers many beautiful and inspiring opportunities to get outdoors and appreciate the natural wonders of our area. When they can, Jon and Emily enjoy exploring the parks, reserves and trails with which we are blessed. They also spend time working to raise funds and awareness for several worthy causes. The most notable of those being the Alzheimer's Association's Walk to End Alzheimer's,

the American Cancer Society's Relay for Life, iTN, Children's Miracle Network, and Meals on Wheels Salinas Valley.

For any questions you may have concerning his involvement with the Chamber or finding the best in-home non-medical care for one's self, a friend or a loved one, please contact Jon at [jbrandt@abc-seniors.com](mailto:jbrandt@abc-seniors.com), (831) 809-0288 or check out his web site at [www.AlwaysBestCareCentralCoast.com](http://www.AlwaysBestCareCentralCoast.com).



## Special Chamber Benefit Train Tour

*Close your eyes and imagine -*

it's Friday, August 4...you're completely caught up with work because you stayed late the night before (stop laughing and close your eyes - I told you we're imagining!). You're allowing yourself the morning to get out of the office to join some of your Chamber friends on a cool train ride.

***A ride with a purpose.***

You've heard about the commuter train eventually making its way to Salinas. Well, this tour is intended to give you a sneak peak of that route. We'll meet at the Chamber, take a bus up to San Jose's Diridon Station, where we'll board the "Coast Starlight" train to make our way back to Salinas.

The route will follow the existing train tracks, taking us from Santa Clara County, through Watsonville and Santa Cruz County and ending back home in Salinas. For a mere \$20, you'll get some snacks and the bus and train rides. Sounds like a deal. This is the part where we say sign up early because there is limited space, but you knew that.

**SalinasChamber.com/events or 831-751-7725**

**New Commuter Train Tour  
with TAMC**

**Friday August 4, 2017**

**7:15am-12pm**

**Departing Salinas Amtrak Station  
11 Station Place, Salinas at 7:15am  
bus ride to San Jose's Diridon Station**

**Ride the Coast Starlight  
on commuter route to Salinas.  
Tour of Salinas Intermodal to follow**

**Seats are limited  
Reserve your spot at  
[SalinasChamber.com/events](http://SalinasChamber.com/events)  
\$20 for Chamber Members**



Transportation Provided By:



# Focus on Non-Profits

Imagine being 15 years old and believing you will not survive to see your 21st birthday, finish school, start a career or free yourself from poverty. Now, imagine looking into the eyes of a homeless dog that sees you for who you truly are: a loving and loveable human being with endless potential. UnChained matches these two vulnerable populations – at-risk youth and homeless dogs - so that they may offer each other the gift of a second chance.

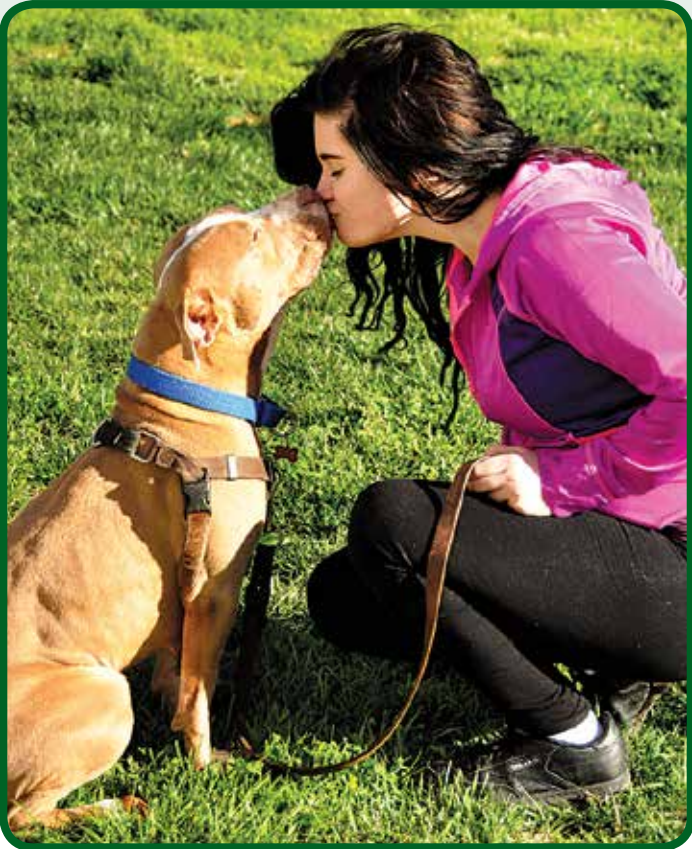


**UnChained**

UnChained teaches youth to train homeless dogs in basic skills, manners and socialization, helping the dogs be adopted. Youth respond to the dogs' honesty and openness and develop core values of patience, respect and responsibility. Training homeless dogs who share similar experiences of neglect, abandonment or abuse enables youth to feel empathy and compassion for others, while improving their own sense of self-worth.

By giving dogs a second chance at a better life, Youth Trainers thrive in their own social and emotional growth. This creates a ripple effect for our communities: when youth are part of resolving a community problem, such as helping homeless animals, they experience a sense of purpose and belonging. Youth Trainers, who are often from under-served communities affected by violence, share their skills, empathy and hope with their peers and families.

Since 2012, UnChained has helped shape the lives of over 250 youth and those youth have placed over 100 dogs into adoptive homes. To learn more about UnChained, volunteer or donate, visit [www.livingunchained.org](http://www.livingunchained.org) or on Facebook @livingunchained.



## Non-Profit Calendar

DATE	TIME	LOCATION	NON-PROFIT	EVENT	CONTACT	WEBSITE
7/1 & 7/8	2pm & 7pm	320 Main Street, Salinas	ARIEL Theatrical	Peter Pan	831-775-0976	<a href="http://www.arieltheatrical.org">www.arieltheatrical.org</a>
7/6 & 7/7	7pm	320 Main Street, Salinas	ARIEL Theatrical	Peter Pan	831-775-0976	<a href="http://www.arieltheatrical.org">www.arieltheatrical.org</a>
7/28 & 7/29	10am, 2pm, 7pm	320 Main Street, Salinas	ARIEL Theatrical	Disney's The Lion King KIDS	831-775-0976	<a href="http://www.arieltheatrical.org">www.arieltheatrical.org</a>
8/24	11am - 7pm	Bayonet & Black Horse Golf Courses, Seaside	Monterey County Farm Bureau	Bill Barker Memorial Golf Tournament	831-751-3100	<a href="http://www.montereycfb.com">www.montereycfb.com</a>
8/27	10am-2pm	Rancho Cielo Youth Campus 710 Old State Road	Rancho Cielo	7th Annual Family Fun Day	831-444-3533	<a href="http://www.ranchocieloyc.org">www.ranchocieloyc.org</a>
9/30	5pm	Tanimura & Antle Barn (Spreckels Sugar Factory)	Monterey County Farm Bureau	100 Years of Fresh Ideas Centennial Celebration	831-751-3100	<a href="http://www.montereycfb.com">www.montereycfb.com</a>

**“I’M INTRIGUED —  
TELL ME MORE!”**

Please visit the Chamber website to register for any of the upcoming events on page 19, or contact the Chamber for more info.  
(831) 751-7725 or [info@SalinasChamber.com](mailto:info@SalinasChamber.com)



# Ribbon Cuttings



**Harris & Associates**

*Our photographer caught the ribbon in mid-air with the ribbon cutting for Harris & Associates. That must be a good omen.*



*Chamber members and several Board directors joined Raymond Costa with RHC Management as we practiced ordering lunch with McDonald's new mobile app.*



Best way to sell something:  
don't sell anything. Earn the awareness,  
respect, and trust of those who might buy.

- Rand Fishkin



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A DIGITAL MARKETING AGENCY



# Due Diligence Procedures

by Patrick Casey

Any buyer of a business, real estate, equipment or any type of assets wants to be sure that they know what they are getting. The buyer should investigate the condition of the assets to ensure that there are no surprises. This investigation process is generally referred to as due diligence. There is no "one size fits all" due diligence process to investigate whatever is being purchased. The due diligence process must be tailored to the specific assets being purchased and the overall deal.

Basic due diligence procedures involve confirming the condition of the assets and whether the seller has good legal title to the assets. This can be done by either the buyer conducting an inspection or by hiring someone knowledgeable to inspect the assets. In a real estate transaction, the buyer can use a title company to confirm that the seller has good legal title to the property. For other types of assets, a buyer would want to conduct a lien search for UCC-1 liens, tax liens, judgments liens and other types of liens. A buyer should confirm that no one else has any interest in the assets (such as a purchase option or a lease). Furthermore, the buyer should evaluate the competition and the possible obsolescence of the assets or business being purchased.

Due diligence can become much more detailed depending upon the type of assets. For example, if the buyer was purchasing vacant land and wanted to build on it, then the buyer should investigate whether they would be able

to obtain permits for the proposed building. They would also check whether there will be adequate water for the intended use.

If the buyer is purchasing a business, they would want to carefully review the financial statements to determine the long term prospects for the business. They want to be sure that the financial statements are accurate so they may have a CPA review the financial statements or possibly audit them. A buyer may want to assure themselves that the business's main customers will continue to solicit the business if it changes ownership. If the business has key contracts with third parties, then the buyer should confirm that those contracts are assignable by the seller to the buyer. If they are not, then the buyer may contact those third parties to see if they would be willing to enter into new contracts with the buyer if they purchased the business.

For intellectual property assets, the due diligence process may involve confirming that the intellectual property does not infringe upon anyone else's intellectual property. The buyer needs to know that there are no third-party claims or lawsuits asserting infringement. The buyer should conduct a patent, trademark or copyright search (as applicable) to learn about similar patents, trademarks and copyrights.

*This article is written by Patrick Casey, who is a business attorney with the L&G, LLP law firm in Monterey. You may reach the author at (831) 269-7114 or at patrick@lg-attorneys.com.*



Casey



# Member News

## MEALS ON WHEELS BOARD

Meals on Wheels of the Salinas Valley announced that Robyn Chamberlin has joined the current Board of Directors as incoming Treasurer. Ms. Chamberlin is a director at Hayashi Wayland Accounting & Consulting, LLP with over 30 years of experience in managing and in the Consulting Group.

Since our beginnings in 1972, Meals on Wheels of the Salinas Valley, Inc. has been delivering nutritious meals to seniors who are homebound and cannot shop and cook for themselves and so much more. With the support of our generous donors, we'll continue to fulfill our mission - as long as people need a helping hand and a good meal. For more information on our meal service, please visit [www.mowsalinas.org](http://www.mowsalinas.org).



Chamberlin

## HARTNELL'S PARTY EXCEEDS GOAL

Hartnell College Foundation's Eleventh Annual Party in the Library raised over \$400k in support of Hartnell College and the Foundation. In its 11 years, Party has raised well over \$3.5 million.

Party in the Library was presented by Sam Linder Auto Group. The night featured a cocktail greeting, delectable strolling dinner, featured a special performance from



Mariana Viguera, amazing auction, dancing to the Money Band, and most importantly the opportunity to make the educational dreams of Hartnell students come true.

Hartnell students, Elizabeth Madrigal, Priscilla Amao, and Jasmin Camba shared their personal educational journey and spoke of the impact Hartnell's programs, student success scholarships, and career preparation internships have had in their lives.

## CLARK JOINS L+G

L+G, LLP, Attorneys at Law welcomed Kendra Clark to its Agricultural Business and Litigation teams in Monterey.

Clark received her bachelor's degree in 1997 from Washington State University,

where she was a Magna Cum Laude graduate of the Honors Program and graduated with a Juris Doctor's degree in 2000 from Santa Clara University, where she was an editor of the Santa Clara Law Review.

Her career highlights include being vice president and associate general counsel for Chiquita Brands International, Inc. from May 2008 to December 2015. Clark is local to the Hollister community where she and her family run a horse and walnut ranch. She studied abroad in Mexico while at Santa Clara University and in France while at Washington State University.



Clark



# Upcoming Events

DATE	TIME	EVENT	LOCATION
5-Jul	12-1pm	Connect at Lunch - Loose Caboose	934 Park Row
13-Jul	3:30-6pm	Ribbon Cutting - Hastie Financial Group	307 Main St Ste 300
17-Jul	5:30-7pm	Networking Mixer - California Rodeo Mixer at MY DODGE	600 Auto Center Cir
19-Jul	11:30am-1pm	Government Relations Committee	Salinas Chamber Office 119 E. Alisal
24-Jul	2-3pm	Ambassador Committee Meeting	Salinas Chamber Office
27-Jul	5:30-7pm	Food and Wine Festival Kick Off Mixer at Farmers Union Pour House	217 Main St.
3-Aug	12-1pm	Connect at Lunch - Wild Thyme Deli & Café	445 Reservation Rd Suite U, Marina
4-Aug	8am-12pm	Commuter Train Corridor Tour with TAMC	3 Station Pl
16-Aug	11:30am-1pm	Government Relations Committee	Salinas Chamber Office
6-Sep	12-1pm	Connect at Lunch - Quail Lodge	8205 Valley Greens Dr, Carmel
9-Sep	6-9pm	Oktoberfest - 99 Years of ChamBeer on the wall	Alvarado Street Brewing, 1315 Dayton St, Salinas

.....

**Connect at Lunch Wednesday August 2nd  
12-1pm**

**At**



**445 Reservation Rd Suite U, Marina**

**Come join us and meet the Chamber's Board members,  
have lunch,  
and make new connections.**

**Join us for great food and great connections.**

**Your cost is your lunch.**

**Visit**

**[SalinasChamber.com](http://SalinasChamber.com)**

**For more info.**



***Salinas Valley  
Food and Wine Festival  
Kickoff Mixer***

***Thursday July 27, 2017***

***5:30-7pm***

***Farmer's Union Pour House  
217 Main Street, Salinas***

**Free for Chamber Members  
\$10 for Prospective Members  
Register at:  
[SalinasChamber.com/events](http://SalinasChamber.com/events)**





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(831) 475-5412

### Hollister

1730 Airline Highway, Suite 310  
(831) 638 4861

### Salinas Main

301 Main Street  
(831) 737-1213

### Watsonville

1915 Main Street  
(831) 768-2668

### Gilroy

805 First Street  
(408) 842-1938

### King City

532 Broadway  
(831) 385-4144

### Salinas Westridge

1285 North Davis Road  
(831) 784-7700

### Castroville

10601 Merritt Street  
(831) 633-3302

### Monterey

439 Alvarado Street  
(831) 242-2000

### Seaside

1658 Fremont Blvd.  
(831) 394-6900

### Gonzales

400 Alta Street  
(831) 675-3637

### Pacific Grove

561 Lighthouse Avenue  
(831) 649-5010

### Soledad

2149 H. DeLa Rosa Sr. Street  
(831) 678-7338

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