

**MINUTES
OF THE
FORT ORD REUSE AUTHORITY
BOARD OF DIRECTORS' MEETING
Fort Ord Reuse Authority Conference Facility/Bridge Center
February 13, 2009**

1. CALL TO ORDER AND ROLL CALL

Chair Rubio called the meeting to order at 3:31pm and requested a roll call of the voting members

The following were present:

Chair/Mayor Rubio (City of Seaside)	Supervisor Parker (County of Monterey)
Mayor McCloud (City of Carmel)	Mayor Russell (City of Del Rey Oaks)
Councilmember Gray (City of Marina)	Jim Cook (County of Monterey)
Councilmember Kampe (City of Pacific Grove)	Mayor Pendergrass (City of Sand City)
Councilmember Mancini (City of Seaside)	

Arriving after this roll call were 2nd Vice Chair/Councilmember McCall (City of Marina) and 1st Vice Chair/Supervisor Potter (County of Monterey). Absent were Councilmember Selfridge (City of Monterey) and Councilmember Barnes (City of Salinas). Mr. Cook was serving as Supervisor Calcagno's alternate.

Chair Rubio adjourned the meeting to the Closed Session.

2. CLOSED SESSION

The Closed Session item was a conference with legal counsel regarding existing litigation concerning the Save Our Peninsula Committee v. FORA case.

SECOND ROLL CALL: Following the Closed Session, Chair Rubio reconvened the meeting and requested a full roll call. All voting members present during the Closed Session were still present, with the addition of Councilmembers McCall and Barnes and Supervisor Potter.

Ex-Officio members present:

Dr. Bruce Margon (UC Santa Cruz)	Tony Boles (CSU Monterey Bay)
Vicki Nakamura (MPC)	Dan Albert, Jr. (MPUSD)
Debbie Hale (TAMC)	COL Darcy Brewer (U.S. Army)
Gail Youngblood (BRAC)	Kenneth Nishi (Marina Coast Water District)

Arriving after the roll call was Alec Arago (17th Congressional District). Absent were representatives from the 15th State Senate District, the 27th State Assembly District, and Monterey-Salinas Transit.

Authority Counsel Bowden reported out of Closed Session that the Board had given him direction.

With a quorum present, Chair Rubio reconvened the meeting.

3. PLEDGE OF ALLEGIANCE

Chair Rubio asked Supervisor Parker, who agreed, to lead the Pledge of Allegiance.

4. ACKNOWLEDGEMENTS

Chair Rubio acknowledged the presence and welcomed new board member, Supervisor Jane Parker. He noted that Jim Cook, County alternate, was sitting in for Supervisor Calcagno and Dan Albert, Jr., also an alternate, was representing Monterey Peninsula Unified School District. UCSC Vice Chancellor/Dr. Bruce Margon announced that Sares Regis from San Mateo had been selected as the development firm to construct, operate and design a new "green" building in the UC MBEST complex, which will primarily serve technology-oriented tenants.

5. PUBLIC COMMENT PERIOD - none

6. CONSENT AGENDA

There was one item on the Consent Agenda: Item 6a (January 9, 2009 board meeting minutes). There were no board or public comments. **Motion to approve the January 9, 2009 meeting minutes was made by Mayor Russell, seconded by Councilmember Mancini, and carried.**

7. OLD BUSINESS

Item 6a - Habitat Conservation Plan ("HCP") approval process: Executive Officer Houlemard reported that "substantial progress" had been made since the last board meeting and called attention to the three draft documents attached to the board report (the HCP Implementing Agreement, a sample ordinance for the jurisdictions to approve, and the Joint Exercise of Powers Agreement Creating the Fort Ord Regional Habitat Cooperative ("Cooperative"). Director of Planning and Finance Steve Endsley stated that the meeting with the federal and state regulators on February 4th had been "energizing" and explained the purpose and content of the three documents previously mentioned. He said that timing now is of utmost importance if the final draft of the HCP is to be ready for the regulatory solicitors' review by mid- or late March 2009. He said if all goes according to the schedule, the document would be out for public review and comments sometime in May 2009. Councilmember Mancini asked about the voting in the Cooperative (Section 4.3). Mayor Russell asked what the jurisdictions' monetary obligation would be and Executive Officer Houlemard responded that the jurisdictions would be responsible for collecting the developer fees, which would cover their habitat financial obligations. Supervisor Parker asked for clarification of Section VII-B(h) re private property rights in the Ordinance, and Authority Counsel Bowden responded that the template used to draft this document included exercise of police power, but the intent of the Fort Ord HCP was not to take, but preserve, private property. Ms. Parker commented that Section VII-C lacked sufficient clarity and Mr. Bowden replied that he would fix that. There were no public comments. Executive Officer Houlemard remarked that the three documents had been reviewed over time by the Administrative Committee, each of the jurisdictions, the responsible regulatory agencies, and several counsel. He urged all to send Mr. Bowden, Mr. Endsley or him any further comments before March 15th. **Motion to receive the staff report and forward the draft documents to the Administrative Committee for further review, comments and a recommendation to the Board was made by Councilmember McCall, seconded by Councilmember Kampe, and carried.**

Item 7b – Imjin Office Park – update: Director of Planning and Finance Steve Endsley said that the latest information was in the staff report. There were no board or public comments.

Item 7c – Water for Monterey County Project and Regional Urban Water Augmentation Program – updates: Andrew Barnsdale from the Energy Division of the CA Public Utilities Commission (“CPUC”) provided an update presentation on CalAm’s Coastal Water Project and the regional water project [Water for Monterey County (“WMC”)], focusing on the procedural process in obtaining CPUC approval. He said that the comment period for the draft Environmental Impact Report (“EIR”) would end on April 1st. The Commission will also be accepting comments at four public hearings in north Monterey County, scheduled during the first week of March, and over the Internet. He said that all the water agencies in the area have been helpful in defining the regional water plan, in particular, the WMC Coalition group. He said that Angie Macon, an administrative law judge at CPUC, will hold hearings after April 1st on the non-economic issues, and the proposed decision is expected to be available by year’s end. The CPUC board of commissioners will then consider each of the alternatives at a public meeting, and then vote. Eric Zigas, CPUC consultant, was introduced and talked about the draft EIR. He said there are 17 or 18 copies of the three volume document in the County and compact discs are also available for those desiring to review it. Discussion by the board followed. There were no public comments.

Item 7d – Central Coast Veterans Cemetery: Executive Officer elaborated on the three staff recommendations. There were several board questions. Public comments included the following: Jack Steward, Vice Chairman of the Citizens’ Advisory Committee (“CAC”), thanked all for their efforts in moving this project along and said donation applications are available for those interested in contributing to the endowment fund. Ila Mettee-McCutchon, a member of the CAC, commented on the creation of the foundation and the fund-raising program currently underway and encouraged all to support efforts to make the veterans’ cemetery a reality. **Motion to approve use of up to \$15,000 for soliciting/selecting an endowment parcel purchaser and to invest a portion of FORA’s share of the land sales revenue to help create the state-enacted endowment fund was made by Supervisor Parker, seconded by Councilmember Mancini, and carried.**

8. NEW BUSINESS

Item 8a – Confirmation of 2009 Fort Ord Reuse Authority committee appointments: Chair Rubio thanked all the volunteers who agreed to serve as either primary or alternate members on the Finance Committee or the Legislative Committee this year. (The lists of Chair Rubio’s recommendations are in the board report.) **Motion to confirm Chair Rubio’s 2009 appointments to the afore-mentioned committees was made by Supervisor Potter and seconded by Mayor Russell.** There were no board or public comments and **the motion carried.**

Item 8b – Fort Ord Reuse Authority Mid-Year Budget: Executive Officer Houlemard provided a short presentation, which showed the revenues and expenditures in the approved 2008-09 budget and the mid-year 2008-09 budget, along with details that had resulted in the variances. He said the severe drop in revenue anticipated from the Community Facilities District fees, due to the cessation of most of the redevelopment projects on former Fort Ord, was the major reason. He added that the Finance and Executive Committees had concurred with the two staff recommendations. **Motion to concur with the recommendations to accept the 2008-09 mid-year budget and approve reallocating \$300,000 to obligations was made by**

Councilmember Mancini and seconded by Supervisor Potter. There were no public comments, and the **motion carried.**

Item 8c – East Garrison loan payments: Executive Officer Houlemard provided the background to the issues resulting in East Garrison’s interest payment default, the terms and conditions of which had been outlined in the 2006 Memorandum of Understanding. **Motion to direct the Executive Officer to provide a report next month and engage the County staff in resolving the issues was made by Supervisor Potter, seconded by Councilmember McCall, and carried.**

9. EXECUTIVE OFFICER’S REPORT

There were three items in this report: Item 9a (Administrative Committee report), Item 9b [Finance Committee report: (i) Minutes and (ii) Modifications to the FORA investment policy] and Item 9c [Executive Officer’s trip to Washington, DC / American Recovery and Reinvestment Act (“ARRA”)]: Re Item 9b(ii): Executive Officer Houlemard said FORA’s auditor had also reviewed and recommended the modified investment policy. Mr. Houlemard noted that the investment policy is not usually approved by the Board but these are exceptional economic times. There were no board or public comments. **Motion to approve the modifications to FORA’s investment policy was made by Supervisor Potter, seconded by Councilmember McCall, and carried.**

Re Item 9c: Executive Officer Houlemard expressed his thanks to Congressman Sam Farr and his chief of staff, Rochelle Dornatt, for getting provisions inserted into the ARRA that would have benefited closed military installations, e.g., the \$300 million in additional clean-up funding, but reported that this text was removed during the House and Senate conference meeting. He said there is still opportunity for additional funding in the Defense Authorization bill, which Congressman Farr is actively pursuing. He remarked that First Lady Michelle Obama has indicated strong support for the needs of military communities. Alec Arago provided update comments about the ARRA, noting that the funds have been earmarked almost exclusively to existing programs. He said Congressman Farris is working diligently to obtain FORA’s “fair share.” TAMC General Manager Debbie Hale, who was also in Washington, DC, during the inaugural ceremonies, said she is continuing to work with FORA staff, and also coordinate with CalTrans, to determine if any of FORA’s transportation projects qualify for the ARRA funding opportunities.

10. ANNOUNCEMENTS AND CORRESPONDENCE

Chair Rubio acknowledged the presence of Councilmember Gray. Councilmember Mancini announced the new 2-1-1 program, which offers a wide variety of referral assistance options to help county residents find the services they request and need. He noted that this program is zip code based to the caller.

11. ADJOURNMENT - Chair Rubio adjourned the meeting at 4:59 p.m.

Minutes prepared by Linda Stiehl, Deputy Clerk.

Approved by _____
Michael A. Houlemard, Jr., Executive Officer/Clerk