

APPROVED



**FORT ORD REUSE AUTHORITY
BOARD OF DIRECTORS REGULAR MEETING MINUTES
2:00 p.m., Friday, November 8, 2019 | Carpenters Union Hall
910 2nd Avenue, Marina, CA 93933**

1. CALL TO ORDER

Chair Supervisor Jane Parker called the meeting to order at 2:00 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Jan Reimers.

3. CLOSED SESSION

- a. Public Employment, Gov. Code §54957(b)(1) Personnel-Executive Officer position.
- b. Conference with Legal Counsel—Anticipated Litigation—Initiation of litigation pursuant to ¶ (4) of subdivision (d) of CA Gov't Code §54956.9—one potential case.

Time Entered: 2:06 p.m.

Time Exited: 2:57 p.m.

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

Authority Counsel Jon Giffen reported no action was taken in closed session.

5. ACKNOWLEDGMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

Executive Officer Michael A. Houlemard, Jr. announced the following:

- 2019 Monterey Bay Opportunity Zone Investment Forum will be held on Friday, November 15, 2019 from 8:00am to 12:30pm at the CSUMB Salinas City Center.
- Fort Ord Multi-Species Habitat Conservation Plan (“HCP”) was published in the Federal Registry on November 1, 2019 and is under public review until December 16, 2019. A public review period is established in order to receive written comments regarding the accuracy and adequacy of the HCP.
- HCP All Permittees meeting will be held on November 20, 2019 from 9:00am to 12:00pm at the Soper Field Community Center in Seaside.
- HCP Public Meeting on November 20, 2019 from 6:00pm to 8:00pm at Soper Field Community Center, pursuant to the public participation goals of California Environmental Quality Act and National Environmental Policy Act.

6. ROLL CALL

Voting Members Present:

Supervisor Jane Parker (County of Monterey), Supervisor John Phillips (County of Monterey), Supervisor Mary Adams (County of Monterey), Councilmember John Gaglioti (City of Del Rey Oaks), Councilmember Frank O’Connell (City of Marina), Mayor Pro-Tem Gail Morton (City of Marina), Councilmember Alan Haffa (City of Monterey), Mayor Ian Oglesby (City of Seaside), Councilmember Jon Wizard (City of Seaside), Mayor Joe Gunter (City of Salinas), Councilmember Jan Reimers (City of Carmel-by-the-Sea), Councilmember Cynthia Garfield (City of Pacific Grove)

Ex-officio (Non-Voting) Board Members Present:

Kathleen Lee (20th Congressional District), Nicole Hollingsworth (17th State Senate District), Debbie Hale (TAMC), Dr. P.K. Diffenbaugh (Monterey Peninsula Unified School District), Steve Matarazzo (University of California, Santa Cruz), Colonel Gregory Ford (United States Army), Bill Collins (BRAC), Lisa Rheinheimer (Monterey-Salinas Transit), Dr. Matt Zefferman (Marina Coast Water District)

7. CONSENT AGENDA

- a. Approve August 15, 2019 Meeting Minutes
- b. Approve October 11, 2019 Meeting Minutes
- c. Administrative Committee
- d. Veterans Issues Advisory Committee
- e. Water/Wastewater Oversight Committee
- f. Oak Woodlands Conservation Planning Status
- g. Public Correspondence to the Board

Chair Parker introduced the consent agenda items and asked if any Board members had items to pull for discussion. Director Morton requested to pull item 7a for a separate vote.

MOTION: On motion by Board member Gunter and seconded by Board member Oglesby and carried by the following vote, the Board moved to approve the consent agenda items 7b – 7g.

MOTION PASSED UNANIMOUSLY

MOTION: On motion by Board member Phillips and seconded by Board member Carbone and carried by the following vote, the Board moved to approve the consent agenda item 7a, with one no vote by Director Morton.

MOTION PASSED

8. BUSINESS ITEMS

a. 2nd Vote Terminated Employee Health Benefit Options and Retiree Medicare Reimbursement

Mr. Houlemard introduced the two-part item, explaining that at the October 11, 2019 Board meeting, members expressed no objections to the first part of the item: Authorize the Executive Officer to execute liability release terms for retiring staff upon authority counsel recommendation and approval, to include recent retirees. The Board requested more information regarding the second part of the item: Approve health reimbursement account option to clarify administering post-employment health benefits for terminated employees in order to have a second vote. To address these concerns, Regional Government Services (“RGS”) consultant Mi Ra Park provided an in-depth review of health reimbursement account options previously presented, as well as some additional alternatives. Ms. Park informed the Board that the FORA staff expressed a majority preference of using a Health Reimbursement Account (“HRA”) for funds administration.

MOTION: On motion by Board member Morton and seconded by Board member Gunter and carried by the following vote, the Board moved to approve the following:

- 1) Authorize the Executive Officer to execute liability release terms for retiring staff upon authority counsel recommendation and approval, to include recent retirees.
- 2) Approve Option A (HRA) to clarify how post-FORA employee health benefits for terminated employees is administered.

MOTION PASSED UNANIMOUSLY

b. Review Building Removal Bond Legal Documents

Chair Parker advised this item has been removed from the November 8, 2019 Regular Board Meeting Agenda.

c. Habitat Conservation Plan (“HCP”) Status Report and Joint Powers Authority (“JPA”) Formation

Mr. Houlemard introduced the item and reviewed HCP timeline from 1991 to the present. Mr. Houlemard reported following the close of HCP public review/comment period on December 16, the Board will be asked to take action on the HCP Environmental Impact Statement/Environmental Impact Report (“EIS/EIR”) in spring 2020. Mr. Houlemard discussed the main purpose of the HCP, namely to provide local control of the Fort Ord Installation Wide Multi-Species Habitat Management Plan (“HMP”) implementation through comprehensive, coordinated, holistic base-wide resource conservation/management and provide Incidental Take Permits required for Base Reuse Plan implementation. Denise Duffy & Associates consultant Erin Harwayne reviewed the HCP and EIS/EIR schedule, noting a finalization and publication date of January 2020, followed by FORA Board action in March 2020, and subsequent Permittee actions taken in May 2020. Public review comments on the HCP and draft EIS/EIR must be submitted to U.S. Fish and Wildlife Services by mail, email, or fax no later than 5:00 p.m., December 16, 2019. RGS consultant Kendall Flint reviewed the next steps in the process as it pertains to the formation of the Joint Powers Authority (“JPA”). Mrs. Flint noted at the request of the FORA Board members and the Administrative Committee, she has been reviewing other Joint Powers Authorities within the state of California to see how the JPA might function, how it may be funded, and what type of organizational tools may be needed to make it more efficient. Mrs. Flint provided an overview of four that are most similar to FORA, noting that all are made up of a collective of Cities, Counties, Educational facilities, and in some cases Special Districts. In addition, the four JPAs reviewed all have HCPs that are currently implemented and performed by a JPA. The next steps in the JPA finalization will be to hold the all permittees meeting November 20, 2019, in addition to City/Counsel review during November, and the execution of the agreement between January and February 2020. If the JPA agreement is executed several additional things will need to be addressed such as: appointing JPA members, discussion/adoption of member contributions in March and then the JPA will have to convene to discuss staff planning, and an operating budget that is in compliance with HCP parameters, and meeting date schedules. Mrs. Flint and staff answered questions and comments from the Board and public.

d. 2018 Transition Plan and Implementing Agreements Progress Report

Ms. Flint gave a brief 2018 Transition Plan Progress Report and provided the Committee with an updated version of the Transition Plan Implementing Agreement (“TPIA”). She thanked Board members and jurisdictions’ legal counsels for submitting comments and questions and stated updated Agreements will be reviewed at the Administrative Committee meeting November 13, 2019. Ms. Flint discussed the TPIA finalization timeline, noting a final TPIA version will undergo City/County legal review in December, followed by execution in first quarter 2020. Ms. Flint stated there remain about twelve agreements that will be finalized by the end of the year, including agreements regarding water/wastewater, CSUMB, MPC, MBEST, and Marina Dunes. There were no questions or comments from Board members or public.

e. 2020 Transition Transportation Study

Senior Project Manager Peter Said presented an overview of the 2020 Transition Transportation Study. Mr. Said explained the study was conducted in compliance with the 2018 Transition Plan Resolution 18-11 which states FORA, in coordination with Transportation Agency of Monterey County (“TAMC”), must prepare a regional traffic modeling analysis of the inclusion of FORA lead agency on-site roads and the impact of removing FORA lead agency roads on remaining roads within

the network. The purpose of the study is to inform the Board of the 2020 transition of specific transportation improvements within the Capital Improvement Program ("CIP"). Mr. Said reviewed the scope and key steps in the study's completion and provided comparative analysis of five CIP Buildout scenarios. He stated a connector road is estimated to be necessary by 2027 and increased public transit would not sufficiently delay or remove the need for a connector road. Mr. Said provided a summary of the study's key findings and answered questions from members and public.

**Marina City Manager Layne Long, speaking as a member of the public, asked if the 2020 Transition Transportation Study includes the several planned roundabout improvements to Highway 68, and whether these projects would significantly shift more traffic to Highway 68 from more impacted roads. Kimley-Horn consultant Frederik Venter confirmed Highway 68 improvements were factored into the Study, showing an increase in operational efficiency, but no capacity increase, as no additional lanes are planned.*

**Director Cynthia Garfield stated CSUMB representatives expressed concern during the October 30, 2019 Administrative Committee meeting regarding CIP projects creating additional traffic through campus. Director Garfield asked if any of the proposed CIP scenarios avoided going through CSUMB entirely. Mr. Venter stated the traffic model was designed to discourage traffic through campus, however it allowed for Gigling Road, Inter-Garrison Road and 8th Street to remain open.*

f. Resolution to Terminate CalPERS Contract and Agreement

Mr. Houlemard reported staff's recommendation to approve this item in order to be consistent with the 2018 Transition Plan and State Law. FORA controller Helen Rodriguez and staff answered questions from members.

MOTION: On motion by Board member Phillips and seconded by Board member Wizard and carried by the following vote, the Board moved to adopt Resolution 19-13, a Resolution to Terminate the CalPERS Contract and Agreement.

MOTION PASSED UNANIMOUSLY

9. PUBLIC COMMENT

No public comments were received.

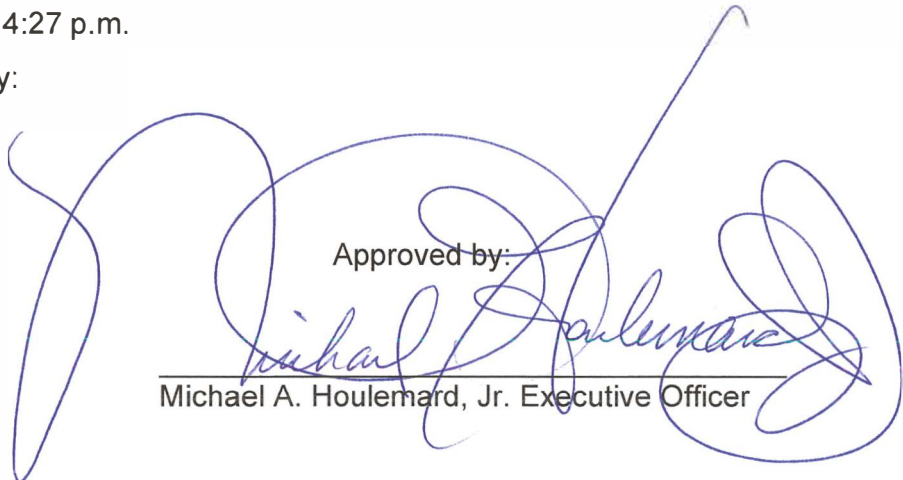
10. ITEMS FROM MEMBERS

None.

11. ADJOURNMENT at 4:27 p.m.

Minutes Prepared by:
Heidi L. Gaddy
Deputy Clerk

Approved by:



Michael A. Houlemard, Jr. Executive Officer