



APPROVED

**FORT ORD REUSE AUTHORITY
BOARD OF DIRECTORS REGULAR MEETING MINUTES
2:00 p.m., Friday, January 10, 2020 | Carpenters Union Hall
910 2nd Avenue, Marina, CA 93933**

1. CALL TO ORDER

Chair Supervisor Jane Parker called the meeting to order at 2:01 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Colonel Gregory Ford.

3. CLOSED SESSION

- a. Conference with Legal Counsel—Gov. Code §54956.9(a), (d)(1): Resource Environmental, Inc. v. Fort Ord Reuse Authority. Monterey County Superior Court Case No.: 19CV004499, Pending Litigation
- b. Conference with Legal Counsel—Gov. Code §54956.9(d)(4): Anticipated Litigation, Initiation of litigation, one potential case
- c. Conference with Legal Counsel—Gov. Code §54956.9(d)(2): Anticipated Litigation, Significant Exposure to Litigation, two potential cases

Time Entered: 2:03 p.m.

Time Exited: 2:33 p.m.

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

Authority Counsel Jon Giffen reported the following actions taken in closed session:

Item 3a: Counsel informed the Board this case will be moving forward with Mediation.

Item 3b: The Board heard from Counsel. Nothing to report.

Item 3c: The Board heard from Counsel. Nothing to report.

5. ACKNOWLEDGMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

- The Base Realignment and Closure (“BRAC”) Fort Ord Cleanup is offering free Tours of Fort Ord with a focus on ground water cleanup and landfill maintenance on Saturday, February 1, 2020. Buses depart from Building 4522 at 10:00 a.m. and 11:45 a.m. For additional information visit www.fortordcleanup.com.
- The Habitat Working Group has begun meeting weekly on Fridays from 10:00 am to 12:00 pm.
- Building Removal Bond Validation Action is moving forward and summonses have been sent to potentially affected agencies. The Board was provided a memo detailing what FORA is requesting of these agencies for Validation Action to proceed.
- Kathleen Lee of Representative Jimmy Panetta’s office reported the House of Representatives passed the PFAS Action Act and thanked Executive Officer Joshua Metz and FORA consultant Kristie Reimer for assisting in their success.

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), David Pacheco (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), Mayor Mary Ann Carbone (City of Sand City)

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

Kathleen Lee (20th Congressional District), Nicole Hollingsworth (17th State Senate District), Debbie Hale (TAMC), Steve Matarazzo (University of California, Santa Cruz), Lawrence Samuels (California State University Monterey Bay), Colonel Gregory Ford (United States Army), Bill Collins (BRAC), David Martin (MPC), Lisa Rheinheimer (Monterey-Salinas Transit), Jan Shriner (Marina Coast Water District)

7. CONSENT AGENDA

- a. Approve December 13, 2019 Meeting Minutes
- b. Administrative Committee
- c. Habitat Planning Update
- d. Environmental Services Cooperative Agreement Quarterly Report
- e. 2018-19 Fiscal Year Audited Financial Report
- f. Executive Officer Contract
- g. Public Correspondence to the Board

MOTION: On motion by Board member Haffa, seconded by Board member Gaglioti and carried by the following vote, the Board moved to approve the consent agenda.

MOTION PASSED UNANIMOUSLY

8. BUSINESS ITEMS

a. 2018 Transition Plan Implementation

Senior Program Manager Stan Cook introduced Kutak Rock Special Counsel Barry Steinberg and George Schlossberg who provided an in-depth background on Transition Plan Implementation and discussed two upcoming questions the Board must resolve: 1) Will the City of Seaside ("Seaside") assume responsibility as Successor Agency to the Environmental Services Cooperative Agreement ("ESCA"), and the Environmental Protection Agency ("EPA") Administrative Order on Consent ("AOC")? And 2) Will Seaside assume the limited federally imposed responsibilities for the Economic Development Conveyance ("EDC") Agreement? Special Counsel reviewed ESCA's current status and reported Seaside has agreed to be the ESCA Successor, subject to funding adequacy, liability protections, and regional acceptance. Special Counsel provided an in-depth background of the EDC Agreement and discussed key issues that could prevent the Office of Economic Adjustment ("OEA") from recognizing a FORA Successor, noting that community rights, such as those dealing with water/wastewater would likely be lost without an EDC Successor. Staff and consultants discussed these issues and heard public comment.

MOTION: On motion by Board member Gaglioti, and seconded by Board member Carbone, the Board moved to approve staff recommendation to approve the Implementing Agreement with the City of Seaside's acceptance for FORA's obligations under the EDC and Environmental Services Cooperative Agreement (ESCA) and designation as federally recognized Local Redevelopment Authority with proposed language to not unreasonably withhold transfer of conveyance.

SUBMOTION: On motion by Director Morton and seconded by Director O'Connell, and carried by the following vote, the Board moved to approve the following: Approve the nomination of Seaside as the ESCA Successor, and with regard to any remaining transfers, Seaside would assume FORA's responsibilities to accept, distribute, and transfer title deeds and amendments not accomplished by June 30, 2020.

**Chair Parker restated the motion "So the motion before us is to approve the nomination of Seaside as the Successor to FORA for ESCA and for the EDC agreement as it relates to the federal property obligations solely and that the language for the EDC stuff will come back next month so we can actually see what it says."*

Motion Passed by Majority (7 AYES; 6 NOES) 2nd Vote Required.

MOTION: On motion by Board member Haffa and seconded by Board member Gunter, the Board approved extending the meeting for five minutes in order to hear items 8b and 8c.

MOTION PASSED UNANIMOUSLY

b. 2020 Elect Board Officers

Chair Parker introduced the item, stating nominations were proposed unanimously from the Nominating Committee and announced as follows:

Chair: Monterey County Supervisor Jane Parker

Vice Chair: Seaside Mayor Ian Oglesby

Past Chair: Marina Councilmember Frank O'Connell

Member-at-Large: Del Rey Oaks Councilmember John Gaglioti

Member-at-Large: Monterey Councilmember Alan Haffa

Ex-Officio (Non-Voting) Member: CSUMB President Dr. Eduardo Ochoa

MOTION: On motion by Board member Morton and seconded by Board member Garfield and carried by the following vote, the Board moved to approve Nominating Committee's proposed Board nominations.

MOTION PASSED UNANIMOUSLY

c. Economic Planning Systems ("EPS") Contract Amendments

Mr. Metz reviewed the item and staff's recommendation to approve EPS contract amendments for additional work regarding habitat management and building removal fiscal analysis.

MOTION: On motion by Board member Garfield and seconded by Board member Morton and carried by the following vote, the Board moved to approve EPS contract amendments for: 1) Additional habitat management fiscal analysis requested by potential permittees not-to-exceed ("NTE") fifty-eight thousand dollars (\$58,0000; and 2) Additional building removal fiscal analysis requested by Administrative Committee, in part to ensure adequate funding for Monterey County Regional Fire District ("MCRFD") to fulfill their fire protection responsibilities, NTE twenty-five thousand dollars (\$25,000).

MOTION PASSED UNANIMOUSLY

9. PUBLIC COMMENT

Public comment was received.

10. ITEMS FROM MEMBERS

None.

11. ADJOURNMENT at 5:24 p.m.

Minutes Prepared by:
Heidi L. Gaddy
Deputy Clerk

Approved by:



Joshua Metz Executive Officer