



Fort Ord Reuse Authority

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ADMINISTRATIVE COMMITTEE MEETING

8:15 A.M. WEDNESDAY, MAY 16, 2012

910 2nd Avenue, Marina CA 93933 (on the former Fort Ord)

MINUTES

1. CALL TO ORDER

Administrative Committee Chair Daniel Dawson called the meeting to order at 8:15 a.m. noting a quorum of voting members. The following people, as indicated by signatures on the roll sheet, were present:

Daniel Dawson, City of Del Rey Oaks*

Nick Chiulos, County of Monterey*

John Dunn, City of Seaside*

Elizabeth Caraker, City of Monterey*

Debby Platt, City of Marina*

Patrick Breen, MCWD

Rob Robinson, BRAC

Tim O'Halloran, City of Seaside

Graham Bice, UC MBEST

Bob Schaffer, MCP

Chuck Lande, Marina Heights

Kathleen Lee, Sup Potter's Office

Vicki Nakamura, MPC

Paul Greenway, County of Monterey DPW

Greg Nakanishi, CCVC

Beth Palmer, Monterey Downs

Carl Niizawa, MCWD

Hank Myers, TAMC

Steve Endsley, FORA

Jonathan Garcia, FORA

Jim Arnold, FORA

Darren McBain, FORA

Crissy Maras, FORA

Robert Norris, FORA

Lena Spilman, FORA

* Voting Members

2. PLEDGE OF ALLEGIANCE

John Dunn led the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Deputy Clerk Lena Spilman stated that the Base Reuse Plan Reassessment Public Workshop schedule had been included in the Agenda packet.

4. PUBLIC COMMENT PERIOD

No comments were received.

5. APPROVAL OF APRIL 4, 2012 MEETING MINUTES

Chair Dawson noted that he had not been present at the April 4, 2012 meeting and asked that the minutes reflect that.

MOTION: Chair Dawson moved, seconded by John Dunn, and the motion passed unanimously to approve the minutes of the April 4, 2012 Administrative Committee as amended.

6. FOLLOW UP FROM THE MAY 11, 2012 FORA BOARD MEETING

Senior Planner Jonathan Garcia stated that Supervisor Parker had expressed concern at the May 11, 2012 Board meeting regarding the analysis of what she categorized as "disturbed areas" in the Base Reuse Plan Reassessment Scope of Work. As such, the Board decided to continue the item to the June Board meeting. There was also discussion at the May 11th Board meeting regarding the amount of time permitted for Board review of the annual budget and Capital Improvement Program (CIP) documents prior to their targeted June adoption dates. In response, staff planned to provide an additional month for review of these items when presented the following fiscal year.

7. OLD BUSINESS

a. Habitat Conservation Plan (HCP)

Mr. Garcia stated that the HCP was currently undergoing review by the U.S. Fish and Wildlife Service and the California Department of Fish and Game. The three-month review period was scheduled to conclude in June 2012. He stated the only recent comments received had been from California State University, Monterey Bay.

b. Tax Increment

i. History of FORA Tax Increment Dedication

Mr. Garcia reviewed the information regarding historical tax increment collections and expenditures included in the packet, noting that staff was still uncertain as to the amount of tax increment that would be collected for the current fiscal year. Authority Counsel Jerry Bowden explained the basis for FORA's assertion that it had a statutory right to collect tax increment. Assistant Executive Officer Steve Endsley stated that, to be safe, the Fiscal Year 2012-13 Budget had not included tax increment revenue.

ii. Future Allocation

Mr. Endsley provided an overview of recent discussions regarding FORA developer fees, as they related to tax increment. He explained that the purpose of the proposed formulaic approach to the establishment of developer fees was to provide a higher degree of certainty to all parties and to promote equality among the jurisdictions, while ensuring enough revenue for FORA to complete its CEQA and other obligations. The committee heard from several developers, both in support and in opposition of the proposal, and expressed a desire for further review of the item.

c. Department of Toxic Substances Control (DTSC) Annual Reports on Land Use Covenants

Mr. Garcia explained that in 2007-8 staff presented the Committee with a Memorandum of Agreement (MOA) between FORA and the DTSC regarding annual reporting on three land use covenants: the land-fill area, groundwater areas, and soil areas. The five land use jurisdictions, MPC, CSUMB, and UC agreed to submit annual reports to FORA regarding their compliance with these covenants. Per the MOA, the reports for 2010 were due to be filed. Mr. Garcia requested that the reporting entities submit their reports by July 11, 2012. He asked that all reporting entities coordinate through him, but added that eventually the Monterey County Health Department would replace FORA as the party responsible for coordination of the filing.

d. Capital Improvement Program – Formulaic Approach to Developer Fees

Mr. Endsley stated that the item had already been addressed under Item 7bii.

8. NEW BUSINESS

a. Master Resolution/Settlement Agreement Compliance

i. Deed Notice required by Section 8.01.010 (j) and (k) of the FORA Master Resolution and Section 2(a) of the FORA-jurisdiction Implementation Agreements

Mr. Endsley explained that the Obligations Implementation Agreement with the Sierra Club required deed notices to be filed for each land conveyance from FORA to the member jurisdictions. FORA had included the required notices in the Implementation Agreements with the member jurisdictions. However, staff had recently become aware that notices had not been filed for all conveyances. FORA was working diligently to file all necessary notices and working closely with the various jurisdictions and end-users to ensure compliance. Mr. Bowden emphasized that the notices did not impose any new limitations on the properties, but simply alerted buyers to existing limitations.

ii. Proposed Appeal Fee Amendment to section 8.01.050 (a) of the FORA Master Resolution

Mr. Endsley explained that FORA had received a number of objections regarding their appeal fee. Staff had worked with several stakeholders to develop the proposed process, whereby the fee would be set based on the average appeal fee of surrounding jurisdictions. Use of this methodology would result in a significant fee reduction for FORA. The Committee discussed the process by which the proposed methodology was developed, received input from members of the public, and discussed the merits of alternative methodologies.

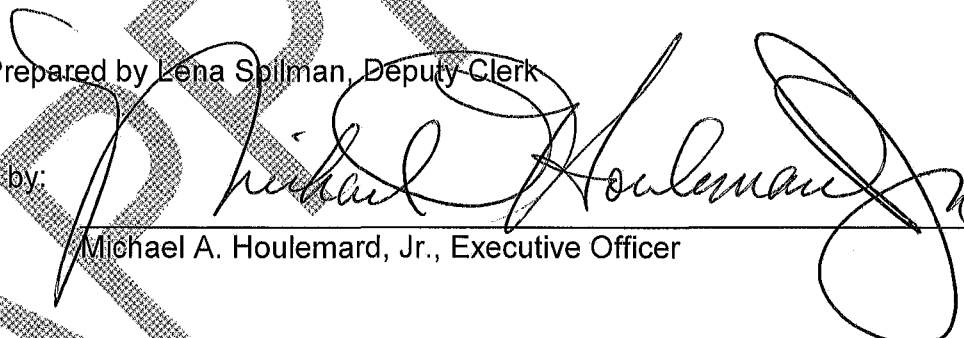
MOTION: Doug Yount moved, seconded by John Dunn, and the motion passed unanimously to continue the item to the next Administrative Committee meeting on May 30, 2012.

9. ADJOURNMENT

Chair Dawson adjourned the meeting at 9:40 a.m.

Minutes Prepared by Lena Spilman, Deputy Clerk

Approved by:



Michael A. Houlemard, Jr., Executive Officer