

MINUTES
of the
FORT ORD REUSE AUTHORITY
BOARD OF DIRECTORS' MEETING
Fort Ord Reuse Authority Conference Facility/Bridge Center
April 9, 2010

1. CALL TO ORDER AND ROLL CALL

Chair Ralph Rubio called the April 9, 2010 Board of Directors meeting to order at 3:30 p.m. and requested a roll call.

Voting members present:

Chair/Mayor Rubio (City of Seaside)
1st Vice Chair/Supervisor Potter (County of Monterey)

Supervisor Parker (County of Monterey)
Mayor Edelen (City of Del Rey Oaks)
Councilmember Kampe (City of Pacific Grove)

Mayor Pendergrass (City of Sand City)
Councilmember Mancini (City of Seaside)
Councilmember O'Connell (City of Marina)
Councilmember Barnes (City of Salinas)
Mayor McCloud (City of Carmel-by-the-Sea)
Councilmember Selfridge (City of Monterey)

Arriving after the roll call were 2nd Vice Chair/Councilmember McCall (City of Marina) and Jim Cook, alternate for Supervisor Calcagno (County of Monterey). Councilmember O'Connell (City of Marina alternate) represented Councilmember Gray. All voting members were present.

Ex-Officio members present:

Congressman Sam Farr (17th Congr. District)
James Main (CSUMB)
Don Bachman (TAMC)
Douglas Garrison (Monterey Peninsula College)
Ken Nishi (Marina Coast Water District)

Graham Bice (UCSC)
Gail Youngblood (BRAC)
Dan Albert, Jr. (MPUSD)
COL Darcy Brewer (U.S. Army)
Mike Gallant (Monterey-Salinas Transit)

Arriving after the roll call were Rito Guerra (15th State Senate District) and An McDowell (27th State Assembly District). All ex-officio members were present.

With a quorum present Chair Rubio opened the meeting.

2. PLEDGE OF ALLEGIANCE

Chair Rubio asked Mayor Edelen, who agreed, to lead the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

There were two pieces of correspondence in the meeting packet: Item 3a, a letter dated 3/30/10 from Chancellor George Blumenthal to Congressman Sam Farr and Item 3b, a letter of support for AB 1791 dated 4/1/10 from Chair Ralph Rubio to Assemblymember Bill Monning.

Chair Rubio mentioned the ceremony celebrating the opening of the new military housing in the Ord Military Community, which had taken place just prior to the FORA board meeting. COL Brewer added that 284 homes were being built in this complex and 50 are already occupied by military personnel. He said Congressman Farr had been the keynote speaker.

Chair Rubio presented Linda Stiehl, FORA deputy clerk/executive assistant, with a plaque expressing "sincere gratitude and appreciation" for her ten+ years of service and imminent retirement. He invited all to stay for a reception for her after the board meeting. He welcomed Daylene Alliman, the new deputy clerk/ executive assistant.

4. PUBLIC COMMENT PERIOD - none

5. CONSENT AGENDA

Item 5a - March 12, 2010 board meeting minutes: **Motion to approve the March 12, 2010 board meeting minutes was made by Mayor McCloud, seconded by Supervisor Potter, and carried.**

6. OLD BUSINESS

Item 6a – AB 1791 (Monning) – tax increment assistance legislative adjustments: progress report and April 21st hearing: Executive Officer Michael Houlemard reported that this bill had been approved by the Assembly Local Government Committee and was scheduled for a hearing at a joint Senate/Assembly Local Government Committee ("LGC") on April 21st, which he and others from the FORA jurisdictions would attend. He said he had met with a number of the members of the joint LGC committee on April 6-7 and that Assemblymember Monning had indicated his appreciation for the letters he had received supporting AB 1791. Mr. Monning's field representative An McDowell thanked everyone for their work in showing support for this legislation and added that Assemblymember Anna Caballero and Senator Abel Maldonado, the bill's co-sponsors, were also appreciative of the strong local support.

Item 6b – Habitat Conservation Plan ("HCP"): (i) Status report and (ii) Joint Powers Authority ("HCP") governance: Director of Planning and Finance Steve Endsley provided a summary update. He said several issues needed to be resolved, namely, details involving the stay-ahead provisions and the ability to mitigate for species. He reported that the Environmental Impact Report (California Department of Fish & Game) and the Environmental Impact Study (U.S. Department of Fish & Wildlife) are moving along very well, in point, because the same consultants are preparing a combined document. Mr. Endsley explained that the JPA governance issues have been kept in-house to date in order to expedite resolution and save costs. When agreement is reached, the JPA will be submitted to FORA's consultants for review and then the Administrative Committee. He reported that the governance structure issue was the only remaining JPA issue and called attention to his memo dated 3/17/10 to the Administrative Committee. It listed the two governance structure options most supported by the Administrative Committee members, along with the jurisdictional and non-voting members' contractual rights and responsibilities of each option. Also attached to the board report were outlines of the responsibilities and powers of the JPA and the permit holders and draft language concerning potential contractual assurances between the voting and non-voting members in sections 4.3 (Governing Board) and 4.4 (Voting) of the JPA.

Chair Rubio opened the item to board discussion and encouraged all to be frank and open. He mentioned how productive the recent CSUMB community meeting had been and expressed hope such discussions would continue. Congressman Farr asked about the UC Natural Reserve, and Executive Officer Houlemard replied that UCSC's agreement states that the university would pay Fort Ord Community Facilities District fees and mitigation costs, with a portion returned to them for current habitat management activities. He said that the regents would be providing the funding, which is different than other members with habitat mitigations. Mr. Endsley noted that FORA uses these fees to fund the endowments. Mr. Houlemard said the board's input and knowledge of how the HCP functions is extremely important in determining a policy decision. Graham Bice summarized the letter dated 4/8/10 from UC Chancellor Blumenthal, CSUMB President Harrison, and MPC Superintendent/President Garrison. Mr. Bice called attention to the fifty-year lifespan of the HCP, which he said supports the full participation and voting privileges of the non-jurisdictional JPA members. Jim Main concurred and stated that the local CSUMB leadership, not Long Beach, would be working with the locals. He said CSUMB would have the necessary funding, which had been mandated in the FORA v. CSU settlement agreement. Bill Kampe asked what would happen if any decision were not in the best interests of all its members, and Mr. Houlemard responded that the JPA board's primary responsibility would be to manage the funds, which is detailed in the HCP document. He added that a simpler, more inclusive JPA model would appear to best serve the members. Jane Parker asked how a weighted vote would be determined. Mr. Houlemard said there are many ways, e.g., by acreage, population, and amount of mitigation development fees required of each member. He reminded the board members that a decision must be made by the next board meeting to keep the HCP on its current track. Doug Garrison said the three educational institutions are key players in the process and they would like to be considered equal partners. If not, they will have to negotiate a contract, which will be a time-consuming process. Congressman Farr said the Monterey Bay area is known worldwide for its habitat and its educational institutions, the latter being job-generators, which will benefit the local communities. Dave McCall recommended using a weighted JPA as a model for something else after FORA sunsets in 2014, not the Fort Ord JPA currently under discussion.

Chair Rubio opened the discussion to the public. Gage Dayton, UC Natural Reserve manager, said he concurred with Congressman Farr's remarks. He added that students, as well as the public, receive information and training in the habitat areas, which helps produce scientists and a knowledgeable citizenry. These experiences foster research, which is published, and brings others to the area. Marina Mayor Bruce Delgado remarked the UCSC, along with CSUMB, has been a driving force in developing the Fort Ord HCP and creative solutions to habitat issues often originate from institutions of higher learning. He supported voting rights for all JPA members but perhaps weighted voting based on certain criteria.

The discussion continued among the board members. Jim Main noted that the three educational institutions occupy significant property and will be providing significant mitigation fees. He questioned the wisdom of denying them voting status. Sue McCloud said that after 2014 there might be a whole set of other issues and recommended that the board policy now would be best served by recommending equal voting for the JPA members. Chair Rubio said the discussion would be continued to the May board meeting where a vote would be agendaized. He asked staff to flesh out the issues and options, including whose sovereignty in each case is most important. Ms. McCloud requested that the university and college chancellor/presidents attend the May meeting. Executive Officer Houlemard said staff would review today's discussion and the minutes and will anticipate a more robust discussion next month followed by a vote. Dave McCall

repeated his recommendation that the board members focus on a permittee-based governance structure, where each member would have one vote.

7. NEW BUSINESS

Item 7a – Monterey Regional Waste Management District's ("MRWMD's") Material Recovery Facility's ("MRF's") "Green Waste and Recycling Program" - presentation: MRWMD General Manager William Merry opened the presentation with a PowerPoint about the MRWMD and its MRF diversion program and the Keith Day Company's part in recycling green waste purchased from MRWMD. Keith Day continued the presentation by showing the process his company had developed to convert green waste to compost, which is sold to Monterey County farmers, vineyards and nurseries. Mr. Day said his company is now receiving 40 tons of food scraps a month and working with MRWMD on a pilot program on how it could be processed for reuse. Mayor McCloud, who serves on the MRWMD board, said that most recyclables are taken out of the county for processing at this time, and that although it is cheaper upfront, it is not so in the long-term. She said that the rate-payers will pay if there is not more recycling within the county. There were no public comments.

Item 7b – Monterey Peninsula College Education Center at Marina's academic facilities – presentation of the first phase: President Garrison said this satellite campus in Marina would be the backbone of the college's facilities on former Fort Ord and will eventually serve 800 students. He introduced Ken Skates, the lead architect for the first phase project, described the designs of the new buildings with visuals provided in his PowerPoint. He said the components will be similar to the main campus but more modern. He concluded by noting that construction had just begun and completion was anticipated by February 2011. Dr. Garrison said about 12,000 square feet of space would be constructed and future build-out would be based on student population and usage. He invited all to the official groundbreaking celebration on April 15th. There were several board questions but no comments from the public.

Item 7c – Environmental Services Cooperative Agreement (ESCA) Pollution Legal Liability Insurance: resolution establishing the Fort Ord Environmental Self-Insurance Fund: Executive Officer Houlemard summarized the board report, noting that FORA's current contract requires a final decision within the next four months, but the decision to purchase a policy before FORA sunsets would be returned to the Board at a later date. **Motion to adopt Resolution #10-07, establishing the Fort Ord Reuse Authority Environmental Self-Insurance Fund under the ESCA was made by Supervisor Potter, seconded by Councilmember Mancini, and carried.**

Item 7d – Approve Resolution #10-08 in support of AB 1757 (Monning), amending sections of the California Military and Veterans Code, easing the path toward creation of the Central Coast California Veterans Cemetery: Assemblymember Monning's Field Representative An McDowell passed along Mr. Monning's appreciation of FORA's continuing support of this cemetery. **Motion to approve resolution #10-08 supporting AB 1757 (Monning) was made by Supervisor Parker, seconded by Councilmember McCall, and carried.**

Congressman Farr requested that the letter to him from Chancellor George Blumenthal (Item 3a) be agendaized for further discussion. He called attention to the huge potential for research and new jobs in this area as a dynamic use of the UC MBEST parcel. If this property is sold by the university, he urged the university to require the buyer to utilize it for those purposes. He said there is an obvious need for land for educational institutions to grow. Executive Officer Houlemard said he would agendaize Mr. Farr's concern for the next Executive Committee meeting.

Sheri Damon, attorney, invited all to attend the opening of the Monterey College of Law Community Justice Center at 5:00 p.m. on April 23rd.

Before the meeting could be adjourned, Executive Officer Houlemard announced that some special presentations were going to be made to Deputy Clerk/Executive Assistant Linda Stiehl, due to her retirement at the end of the month. Seven certificates of recognition and appreciation were presented to Ms. Stiehl by board members. She made brief remarks to express her gratitude for the special recognition. All were invited to the reception, also in the board room, and the meeting was adjourned.

[There was no discussion about the three items in the Executive Officer's Report (Item 8a – Administrative Committee report; Item 8b – Executive Officer's travel report; and Item 8c – Updated Master Resolution distribution) and they stood as information items.]

Minutes prepared by Linda Stiehl, Deputy Clerk

Approved

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