



Fort Ord Reuse Authority

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Minutes

Friday, September 14, 2012

Meeting of the Fort Ord Reuse Authority Board of Directors
910 2nd Ave, Marina (Carpenter's Union Hall)

APPROVED

1. CALL TO ORDER AND ROLL CALL

Chair Dave Potter called the meeting to order at 3:08 p.m.

Voting Members Present:

Chair/Supervisor Potter (County of Monterey)
Mayor Edelen (City of Del Rey Oaks)
Mayor Burnett (City of Carmel-by-the-Sea)
Councilmember Selfridge (City of Monterey)
Supervisor Parker (County of Monterey)

Councilmember Kampe (City of Pacific Grove)
Mayor Donahue (City of Salinas)
Mayor Pro-Tem Bloomer (City of Seaside)
(for Councilmember Oglesby)

Absent:

Supervisor Calcagno (County of Monterey), Mayor ProTem O'Connell (City of Marina), Councilmember Brown (City of Marina), Mayor Pendergrass (City of Sand City), Mayor Bachofner (City of Seaside),

2. CLOSED SESSION

Chair Potter announced the closed session items and invited public comment. Seeing none, the Board adjourned into closed session at 3:09 p.m.

Mayor Bachofner, Mayor Pendergrass, Mayor Pro-Tem O'Connell, and Councilmember Brown joined the Board during the course of the closed session.

a. Conference with Legal Counsel - Existing Litigation, Gov Code 54956.9(a) – Four Cases

- i. Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Number: M116438
- ii. Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Number: M114961
- iii. Keep Fort Ord Wild v. Fort Ord Reuse Authority, Case Number: M119217
- iv. The City of Marina v. Fort Ord Reuse Authority, Case Number: M118566

b. Conference with Legal Counsel – Anticipated Litigation, Gov Code 54956.9(b) – One Case

3. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

The Board convened into open session at 3:35 p.m., at which time Chair Potter requested a second roll call.

Voting Members Present:

Chair/Supervisor Potter (County of Monterey)
Mayor Edelen (City of Del Rey Oaks)
Mayor Burnett (City of Carmel-by-the-Sea)
Mayor ProTem O'Connell (City of Marina)
Mayor Pendergrass (City of Sand City)
Councilmember Brown (City of Marina)
Councilmember Selfridge (City of Monterey)

Supervisor Parker (County of Monterey)
Councilmember Kampe (City of Pacific Grove)
Mayor Donahue (City of Salinas)
Mayor Bachofner (City of Seaside)
Councilmember Oglesby (City of Seaside)

Absent:

Supervisor Calcagno (County of Monterey)

Ex-Officio Members Present:

Alec Arago (17th Congressional District)
Assemblymember Bill Monning (27th State
Assembly District)
Graham Bice (University of California)
Interim President Eduardo Ochoa (CSUMB)

Dr. Doug Garrison (MPC)
Dan Albert, Jr. (MPUSD)
COL Joel Clark (U.S. Army)
Gail Youngblood (Fort Ord BRAC Office)
Howard Gustafson (MCWD)

The Board convened into open session at 3:35 p.m.

Authority Counsel Jerry Bowden announced that during closed session the Board provided direction regarding existing litigation and appointed Special Counsel to represent FORA regarding Item 2b.

4. PLEDGE OF ALLEGIANCE

Assemblymember Bill Monning led the Pledge of Allegiance.

5. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

Executive Officer Michael Houlemard announced the Community Information Session scheduled for August 20th to discuss Parker Flats remedial activities and resulting community Impacts.

a. Legislative Update from Assemblymember Bill Monning

Assemblymember Monning provided an update regarding AB 1614 and AB 1842, stating that both bills had passed through the legislature and were awaiting the Governor's signature.

b. Letter from CSUMB - Presentation by CSUMB Interim President Eduardo Ochoa

Interim President Ochoa discussed the demand for University growth and identified factors limiting expansion. He provided information regarding the student body composition, the economic impact of CSUMB to the region, and the future of CSUMB's partnership with FORA.

c. Request from Mayor Bachofner for Reconsideration of Item 8a on the August 29, 2012 FORA Board Agenda

Supervisor Parker requested the item be continued to allow staff time to address concerns regarding how the item had been agendized.

MOTION: Supervisor Parker moved, seconded by Mayor Burnett, and the motion passed to continue the item to the next Board meeting. Ayes: Mayor Burnett, Mayor Edelen, Mayor Pro-Tem O'Connell, Councilmember Brown, Councilmember Selfridge, Chair Potter, Supervisor Parker, Councilmember Kampe, Mayor Pendergrass, Mayor Bachofner, Councilmember Oglesby. Noe: Mayor Donahue

6. PUBLIC COMMENT PERIOD

The Board received comments from members of the public on a variety of topics.

MOTION: Mayor Edelen moved, seconded by Councilmember Oglesby, and the motion passed unanimously to continue the meeting beyond 5:30 p.m.

7. CONSENT AGENDA

- a. August 10, 2012 FORA Board Meeting Minutes
- b. August 29, 2012 FORA Board Meeting Minutes

ACTION
ACTION

Mayor Pendergrass announced he would abstain from voting on the August 29, 2012 Board meeting minutes. Mayor Bachofner requested several modifications to the August 29, 2012 minutes and the Board agreed to postpone consideration of the item.

MOTION: Mayor Edelen moved, seconded by Mayor Burnett, and the motion passed unanimously to approve the August 10, 2012 minutes as presented.

8. NEW BUSINESS

a. *Ad-Hoc* Committee Report – Selection of Forensic Auditor

Mayor Edelen discussed the forensic audit scope of work proposed by the *Ad-Hoc* Committee and communicated the Committee's recommendation that the Board approve selection of RGL Forensics to perform the audit.

MOTION: Mayor Bachofner moved, seconded by Mayor Burnett, and the motion passed unanimously to approve the selection of RGL Forensics to be the Fort Ord Reuse Authority Forensic Auditor and to authorize the Executive Officer to execute an Audit Services Agreement.

The Board agreed to take a brief recess at 5:53 p.m. and reconvened at 6:01 p.m.

9. OLD BUSINESS

d. Veterans Cemetery Parcel Land Use Designations

Senior Planner Jonathan Garcia provided a brief overview of the item, noting that the City of Seaside had requested Board approval of recommendation #1 or #2 on the provided staff report. The Board discussed the item and received comments from members of the public.

MOTION: Mayor Donahue moved, seconded by Mayor Edelen, to approve staff recommendation #3, which would approve or adopt land use designation changes to the Base Reuse Plan Land Use Concept map and text amendments to change land use designations for the Veterans Cemetery Parcel to be consistent with Table 1(staff report) proposed land use designations.

SUBSTITUTE MOTION: Mayor Burnett moved, seconded by Supervisor Parker, to direct staff to provide the Board additional information, including a draft resolution, regarding a fourth option that would allow designation of the veteran's cemetery parcel independent of the endowment parcel.

VOTE ON SUBSTITUTE MOTION:

Ayes: Councilmember Kampe, Mayor Bachofner, Chair Potter, Councilmember Selfridge, Mayor Burnett, Councilmember brown, Supervisor Parker.

Noes: Mayor Donahue, Mayor Pendergrass, Mayor Edelen, Councilmember Oglesby.

*Items returns for a second vote.

c. Ord Community Water and Wastewater Rates, Fees and Charges and Resolution of Outstanding Issues

Assistant Executive Officer Steve Endsley provided a brief overview of the item and the Board received a report from MCWD representative Carl Niizawa.

MOTION: Supervisor Parker moved, seconded by Mayor Edelen, and the motion passed unanimously to approve Resolutions 12-6 and 12-7, adopting a compensation plan and setting rates, fees and charges for former Fort Ord base-wide water and sewer services, with the following modifications:

1. Acceptance of previous amendments to remove all references to the Regional Water Project and eliminate the 2% allocation for potential wage increases following a compensation study.
2. Elimination of the proposed 5% rate increase, to be recovered through cost saving measures and/or use of operating reserves, as per Board discussion.

e. Base Reuse Plan Reassessment – Final Scoping Report

MOTION: Mayor Edelen moved, seconded by Councilmember Brown, and the motion passed unanimously to continue the item.

b. Selection of FORA Annual Auditing Firm

Councilmember Kampe presented the Finance Committee's recommendation regarding selection of an annual auditing firm to the Board.

MOTION: Mayor Burnett moved, seconded by Supervisor Parker, and the motion passed unanimously to approve the selection of Moss, Levy, and Hartzheim as the annual FORA Auditor and to authorize the Executive Officer to execute a three-year audit services agreement beginning with the fiscal year ending June 30, 2012, subject to annual review by the FORA Finance Committee.

c. Preston Park Fiscal Year ("FY") 2012/13 Budget

MOTION: Councilmember Brown moved, seconded by Mayor Edelen, and the motion passed unanimously to continue the item.

10. EXECUTIVE OFFICER'S REPORT

- a. FORA Master Resolution Appeal Fee Amendment
- b. Outstanding Receivables
- c. Administrative Committee
- d. Finance Committee
- e. Water/Wastewater Oversight Committee
- f. Habitat Conservation Plan
- g. Public Correspondence to the Board

Hearing no objections from the Board, Chair Potter deemed the Executive Officer's Report received without exception.

11. ITEMS FROM MEMBERS

None

12. ADJOURNMENT

Chair Potter adjourned the meeting at 8:17 p.m.

Minutes prepared by Lena Spilman, Deputy Clerk

Approved by:



Michael A. Houlemard, Jr.