



APPROVED

FORT ORD REUSE AUTHORITY
ADMINISTRATIVE COMMITTEE MEETING MINUTES
8:30 a.m., Wednesday December 4, 2019 | FORA Conference Room
920nd Avenue, Suite A, Marina, CA 93933

1. CALL TO ORDER

Chair Dino Pick called the meeting to order at 8:31 a.m.

The following were present:

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| Dino Pick* (City of Del Rey Oaks) | Jonathan Brinkmann (LAFCO) |
| Anya Spear (CSUMB) | Melanie Beretti* (County of Monterey) |
| Patrick Breen (MCWD) | Elizabeth Caraker* (City of Monterey) |
| Layne Long* (City of Marina) | Steve Matarazzo (UCMBEST) |
| Todd Muck (TAMC) | Vicki Nakamura (MPC) |
| Craig Malin* (City of Seaside) | *Voting member |

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City of Monterey Community Development Department Manager Elizabeth Caraker.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

- Senior Program Manager Stan Cook provided the Administrative Committee (“AC”) with an Environmental Services Cooperative Agreement (“ESCA”) draft Long-Term Obligation Management Program meeting calendar. Mr. Cook requested the AC review the draft schedule and return to the December 18, 2019 meeting with feedback and confirm management personnel attendance for the first scheduled meeting on February 5, 2020.
- Executive Officer Michael Houlemard reported staff and colleagues traveled to Washington, D.C. two weeks prior and met with the US Army regarding the future transfer of ESCA long-term obligations, as well as how economic development conveyance may be impacted.

4. PUBLIC COMMENT PERIOD

Members of the public wishing to address the Administrative Committee on matters within its jurisdiction, but not on this agenda, may do so for up to 3 minutes.

No public comments were received.

5. APPROVAL OF MEETING MINUTES

ACTION

- a. November 13, 2019 Meeting Minutes

MOTION: On motion by Committee member Malin, second by Committee member Beretti and carried by the following vote, the Administrative Committee moved to approve the November 13, 2019 meeting minutes.

MOTION PASSED UNANIMOUSLY

6. DECEMBER 13, 2019 BOARD MEETING AGENDA REVIEW

Assistant Executive Officer Josh Metz reviewed the items proposed to appear on the draft Board agenda for December 13, 2019. Mr. Houlemard noted that the Executive Committee will likely approve adding LAFCO Indemnification Agreement as a Consent Item.

7. BUSINESS ITEMS

INFORMATION/ACTION

a. Habitat Conservation Plan Update

Mr. Metz reported the November 20, 2019 public review meeting's main focus was the Environmental Impact Survey/Environmental Impact Report ("EIS/EIR") and noted public comment period ends December 16, 2019. At the November 20th "all permittees" meeting Mr. Metz reported jurisdictions raised concerns regarding funding and legal liability associated with Joint Powers Authority ("JPA") formation. He stated staff continues to work with the Habitat Conservation Plan ("HCP") consultant team to address these questions and have scheduled follow-up meetings on December 11, 2019 with the County of Monterey and Cities of Seaside and Marina to clarify financial aspects of JPA. Mr. Metz emphasized that FORA will no longer be in place to facilitate these discussions after its June 30, 2020 sunset and encouraged permittees to designate a lead agency to coordinate the JPA and HCP administration.

i. Draft Habitat Conservation Plan

Denise Duffy & Associates consultant Erin Harwayne provided a review of information presented at the November 20th "all permittees" meeting, and public meeting. Ms. Harwayne stated FORA, as lead California Environmental Quality Act agency, must certify the EIR prior to June 30, 2020 in order to be used by jurisdictions for Incidental Take Permits going forward. If the EIR is not certified by FORA by that time each jurisdiction will be responsible for performing its own EIS/EIR at the jurisdiction's expense. Mr. Metz emphasized it is much easier to amend existing EIS/EIR than to create new ones and regardless of whether the JPA, is formed the certified EIR would be a valuable document to the entire region. Ms. Harwayne and Mr. Metz responded to questions from members and public.

ii. Joint Powers Authority Formation

Mr. Metz introduced the item and noted that jurisdictions have expressed concern regarding two aspects of JPA formation: legal liability and financial feasibility. He reported the consultant team is developing a comparative analysis of FORA's HCP and other California HCPs, focusing on start-up costs, operating costs and administration methods. Regional Government Services consultant Kendall Flint and Economic Planning Systems consultants will review "legal" issues, initial costs and how JPA formation may be affected by development pace at the December 11th meetings with the County of Monterey, City of Marina, and City of Seaside. Ms. Flint emphasized that a lead jurisdiction must be identified as soon as possible and begin scheduling weekly JPA formation meetings no later than January 2020 in order to meet the April 1, 2020 deadline established in the Base Reuse Plan. FORA will not be setting these meetings; however, staff and consultant team are available to facilitate. Ms. Flint stated a list of JPA formation questions submitted by Monterey County, Seaside, and Marina are being compiled for discussion and encouraged all to submit questions. Staff and consultants answered additional questions from members and public.

**Chair Dino Pick of Del Rey Oaks requested a Habitat Management Plan ("HMP") and HCP cost-benefit analysis by jurisdiction. Ms. Flint stated EPS would provide this information at the December 11th meeting.*

**Committee member Melanie Beretti of Monterey County requested a copy of the current list of questions and Ms. Flint stated she would provide the list attached to the meeting invitation.*

**Mr. Houlemard noted FORA staff and Ms. Flint's assistance in JPA formation is included in FORA's budget. He reported Board members approve JPA formation due to consolidation of jurisdictional efforts and FORA is prepared to incur costs of assisting JPA formation, including legal counsel and consultant fees.*

b. 2018 Transition Plan Status

Ms. Flint gave a brief status update noting to date she has not received back any questions, details, legal opinions from the proposed signatories. Ms. Flint encouraged all Permittees' counsels review the agreement and submit any final comments/concerns so that a final Transition Planning Implementing Agreement can be adopted by the respective counsels between January and February of 2020. Ms. Flint and staff responded to questions from members and public.

i. 2020 Proposed Meeting Schedule

Mr. Metz introduced the item and Mr. Houlemard noted the FORA Administrative Committee meets twice a month, on the Wednesday one week prior to the FORA Board meeting and on the Wednesday following the Board Meeting. This item will be brought back to the Administrative Committee for approval/adoption on December 18, 2019. Staff responded to questions and comments from the Committee.

c. Eucalyptus Road Storm Water Infiltrator Repair

Senior Project Manager Peter Said provided background regarding the Eucalyptus Road storm water infiltrator repair project and noted the proposed Construction Management Plan has been approved by Department of Toxic Substances Control and US Army. Environmental Protection Agency approval is expected by year end. Mr. Said reported engineering consultants decreased the project's scope by developing a solution to replace the five failing storm water infiltrators with three storm water basins. Mr. Said stated construction is expected to begin February 2020 and noted this is the only Capital Improvement Plan project that is repair rather than roadway construction or mitigations. He stated staff will bring this information to the Board to request approval to solicit bids and award necessary contracts in order to complete construction by May 2020. Mr. Said responded to questions from the members and the public.

d. Marina Coast Water District Capacity Fees and Water/Wastewater Oversight Committee

Mr. Said reported the Water/Wastewater Oversight Committee ("WWOC") met on December 2, 2019 and reviewed Marina Coast Water District ("MCWD") 10-year master plans, which are the basis for the capacity fees. The Committee approved the master plan on the condition MCWD hold a technical engineer's meeting with the development community to refine the plans. At the technical meeting, MCWD decreased the scope in the master plans which reduced the proposed fees by \$13M. The WWOC has been reviewing the capacity fees since June 2019, and the documents have been available for public review for the last six months. The development community has strong concerns about the methodology and the planning level contingency of 48%. Mr. Said advised the Committee the Building Industry Association submitted letters outlining the development communities' position. The WWOC reviewed the increase in fees, and noted that the increase includes a Community Facilities District ("CFD") replacement for the FORA CFD. The FORA CFD currently collects a certain amount of money to pay for water augmentation. MCWD will need to collect the same amount, the way they will collect the funds is through the capacity fees. In addition, it includes cost indexing as the capacity fee from 2013

has not been indexed. In reviewing those components, there is a significant increase in the fees of about 45%. After viewing these documents for a number of months the WWOC approved to recommend the Draft Capacity Fees to the FORA Board, with the caveat that if a 10% or more reduction occurs within the next two months from another technical meeting between MCWD and the developer community, the WWOC would support the reduction. Mr. Said responded to questions and comments from the committee and public.

8. ITEMS FROM MEMBERS

None.

9. ADJOURNMENT at: 9:30 a.m.

Minutes Prepared By:

Heidi Gaddy

Deputy Clerk

Natalie Van Fleet

Administrative Assistant