



Fort Ord Reuse Authority

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BOARD OF DIRECTORS BOARD MEETING Thursday, July 26, 2012 at 3:30 p.m. 910 2nd Ave, Marina (Carpenter's Union Hall)

Minutes

APPROVED

1. CALL TO ORDER AND ROLL CALL

Chair Potter called the Board Meeting to order at 3:00 p.m.

Voting Members Present:

Chair/Supervisor Potter (County of Monterey)
1st Vice Chair Mayor Edelen (City of Del Rey Oaks)
Mayor ProTem O'Connell (City of Marina)
Councilmember Brown (City of Marina)
Councilmember Selfridge (City of Monterey)

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

Absent:

Supervisor Calcagno (Monterey County), Mayor Donahue (City of Salinas)

Ex-Officio Members Present:

Nicole Charles (27th State Assembly District)
Graham Bice (University of California)
Justin Wellner (CSUMB) @ 3:34 p.m.

Todd Muck (Transportation Agency of Monterey County)
COL Clark (US Army) @ 3:20 p.m.
Gail Youngblood (Fort Ord BRAC Office)

2. PLEDGE OF ALLEGIANCE

Chair Potter led the Pledge of Allegiance.

3. ACKNOWLEDGEMENTS ANNOUNCEMENTS, AND CORRESPONDENCE

Executive Officer Michael Houlemard discussed letters FORA had recently received from the Department of Toxic Substances Control and the Environmental Protection Agency regarding trespassing on FORA property. Gail Youngblood emphasized the importance of observing all land use restrictions on Fort Ord for the duration of the clean-up efforts.

4. PUBLIC COMMENT

Ralph Rubio asked that FORA perform an economic analysis of jobs creation and eco tourism in the region.

5. OLD BUSINESS

a. Master Resolution/Settlement Agreement – Appeal Fee Proposed Amendment to FORA Master Resolution (Section 8.01.050(a))

Mr. Houlemard explained that staff had received input from the Sierra Club, as well as a number of other entities, and presented alternatives for Board consideration.

Jane Haines, Sierra Club, explained the Sierra Club's position that the current appeal fee was too high and prevented members of the public from having a reasonable opportunity to redress

grievances. She addressed opposition to the proposal and noted that the Sierra Club would not agree to support a tiered appeal fee approach.

Chair Potter spoke in support of the proposal, noting that Board members could also sponsor an appeal for a member of the public at no charge.

Mayor Pro-Tem O'Connell stated he would oppose the motion. Councilmember Brown agreed and stated that rather than requiring members of the public to pay the fee and seek reimbursement, FORA should grant fee waivers. Supervisor Parker agreed with Councilmember Brown's concerns. Councilmember Oglesby stated that the current proposal, which included a reduced appeal fee accompanied by a promise of reimbursement, was reasonable.

MOTION: Councilmember Brown moved, seconded by Mayor Pro-Tem O'Connell, and the motion passed unanimously to amend section 8.01.050 (a) of the FORA Master Resolution to adjust FORA's Consistency determination appeal fee basis from the County of Monterey's land use appeal fee to an average of FORA's jurisdictions' land use appeal fees less the highest and lowest fee, as described in attachment A, with the addition of the following language: "the appeal fee shall be waived for an appellant who signs a declaration under penalty of perjury that she/he qualifies as very low income under low income standards."

b. Records Retention Policy

Principal Analyst Robert Norris explained that staff had reviewed numerous records retention policies from local, regional, and state agencies in preparation for the item. He discussed staff's request for additional funds to compensate for an unanticipated volume of public records requests

The Board discussed the need establish a policy as soon as possible and acknowledged that future modifications would likely be necessary.

MOTION: Supervisor Parker moved, seconded by Councilmember Oglesby, and the motion passed unanimously to adopt the proposed Records Retention policy, as presented, and to authorize FORA staff to expend up to \$15,000 for additional resources to respond to an unanticipated volume of public records requests and to bring records into retention policy compliance.

Staff responded to several Board member questions regarding the policy. Councilmember Oglesby stated it was a strong policy and suggested that the retention schedule indicate which records were except from public disclosure.

VOTE: unanimously approved.

c. Ord Community Water and Wastewater Systems Proposed Budgets and Rates for FY 2012/13 (2nd Vote)

Assistant Executive Officer Steve Endsley summarized the previous Board consideration of the item.

i. Follow-up Presentation by Marina Coast Water District

Kelly Cadiante, Marina Coast Water District (MCWD), addressed several of the questions raised by the Board at their July 13, 2012 meeting.

ii. Resolution Nos. 12-6 and 12-7 Adopting a Compensation Plan and Setting Rates, Fees and Charges for Base-wide Water and Sewer Services on the former Fort Ord

The Board indicated a desire for a more detailed explanation of MCWD's progress toward Ord Community annexation and customer voting rights. Various Board members also discussed limiting capital and planning future expenditures on the regional desalination project, limiting the financial impact to the ratepayers of future capital expenditures, smoothing debt service for capital improvement projects prior to development in order to protect existing rate payers, the need to release information regarding MCWD contracts with consultants, attorneys, and engineering firms and encourage "in-sourcing," reducing MCWD staffing expenses, exploration of low-income rate options, and the need to provide information to the public regarding the number of votes required to defeat a Proposition 218 noticed rate increase.

Denise Turley inquired as to subsidies/fee waivers for low income individuals and opposed a raise for MCWD staff.

MOTION (2nd Vote): Mayor Edelen moved, seconded by Chair Potter, and the motion failed to:

- a. Receive presentations from FORA and MCWD staff;
- b. 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 addition of language stating that "no additional Ord Community resources should be used to further the Regional Desalination Project unless expressly authorized by the FORA Board" and removal of the \$42,000 allocation to the Regional Desalination Project included in the proposed budget;
- c. Direct the WWOC to look at future CIPs to ensure that expenditures are facilitating new development as it occurs in an appropriate manner;
- d. Encourage MCWD staff to expedite the annexation process;
- e. Agendize an informational item to outline the process for annexation for the August 10, 2012 Board meeting.

INCORPORATION INTO THE MOTION WITH CONSENT OF MAKER AND SECONDER: remove the 2% allocated in the MCWD Budget for potential wage increases following a compensation study.

VOTE: Ayes: Mayor Edelen, Chair Potter, Councilmember Kampe. Noes: Mayor Pro-Tem O'Connell, Councilmember Brown, Councilmember Selfridge, Supervisor Parker, Councilmember Lutes, Mayor Pendergrass, Mayor Bachofner, Councilmember Oglesby.

- d. **June 8, 2012 Tort Claim filed Against FORA by Keep Fort Ord Wild (2nd Vote)**
Mr. Bowden explained the legal procedure for denying a Tort Claim.

Several Board members expressed discomfort with denying the claim prior to a full investigation of its allegations. Mr. Bowden explained that denial of the claim was a matter of legal procedure and would not limit the Board's ability to investigate the allegations.

MOTION: Mayor Edelen moved, seconded by Councilmember Oglesby, and the motion passed to deny the claim submitted by Keep Fort Ord Wild on June 8, 2012.

VOTE: Ayes: Mayor Edelen, Mayor Pro-Tem O'Connell, Councilmember Brown, Supervisor Potter, Councilmember Kampe, Mayor Pendergrass, Mayor Bachofner, Councilmember Oglesby. Noes: Councilmember Lutes, Supervisor Parker, Councilmember Selfridge.

7. NEW BUSINESS

a. FORA Expense Reimbursement Policy

Mr. Endsley presented the item.

MOTION: Councilmember Kampe moved, seconded by Supervisor Parker, the motion passed unanimously to:

- a. add review of the FORA Expense Reimbursement Policies to forensic and annual audit contracts;**
- b. Direct staff to compile member jurisdiction expense reimbursement practices;**
- c. Request ad hoc subcommittee and Finance Committee review practices with staff to develop a revised Expense Reimbursement Policy;**
- d. Have draft policy reviewed by Forensic and Annual Auditors;**
- e. Present draft policy for Board approval.**

8. EXECUTIVE OFFICER'S REPORT

a. New Procedure for Public Correspondence to FORA Board

Mr. Houlemard announced that in response to public input, staff had created a new email address for the FORA Board. Members of the public could now submit correspondence via email directly to the Board using board@fora.org.

9. ITEMS FROM MEMBERS

None

10. CLOSED SESSION

The Board adjourned into closed session at 4:55 pm

- a. Conference with Legal Counsel - Existing Litigation, Gov Code 54956.9(a) – Three 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. The City of Marina v. Fort Ord Reuse Authority, Case Number: M118566**
- b. Conference with Legal Counsel - Anticipated Litigation, Gov Code 54956.9(b) – Two Cases**

The Board readjoined into open session at 5:45 p.m.

11. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

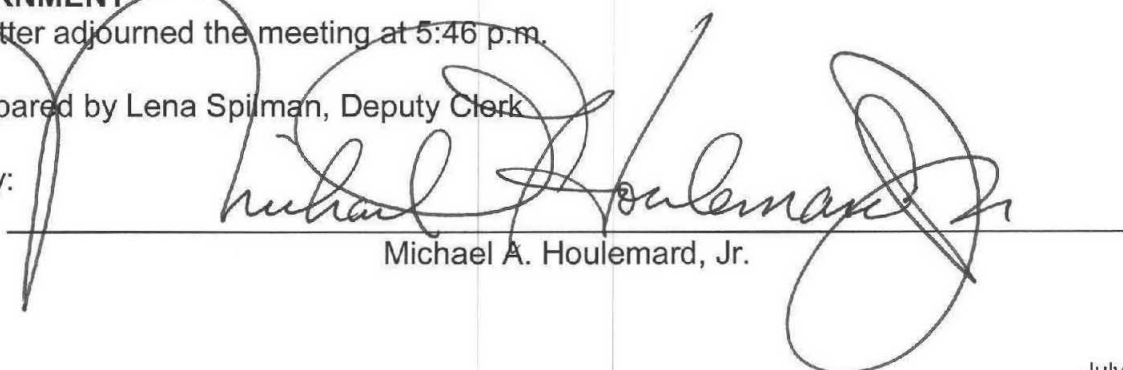
Mr. Bowden announced the Board had taken no reportable action.

12. ADJOURNMENT

Chair Potter adjourned the meeting at 5:46 p.m.

Minutes prepared by Lena Spilman, Deputy Clerk

Approved by:



Michael A. Houlemard, Jr.