



FORT ORD REUSE AUTHORITY

BOARD OF DIRECTORS REGULAR MEETING MINUTES

Friday, December 11, 2015 at 2:00 p.m.

910 2nd Avenue, Marina, CA 93933 (Carpenters Union Hall)

1. CALL TO ORDER

Chair O'Connell called the meeting to order at 2:00 p.m.

2. PLEDGE OF ALLEGIANCE

Chair O'Connell led the pledge of allegiance. He asked for a moment of silence to remember those whose lives were lost in the terrorist attacks in Paris, France last month and in San Bernardino, California on December 2, 2015.

3. CLOSED SESSION

Chair O'Connell introduced the items to Board before going to closed session. Board convened into closed session at 2:05 p.m.

The Board received public comment (J. Haines).

- a. Conference with Legal Counsel-Potential Litigation, Gov. Code Section 54956.9(e)(2): FORA-Marina Coast Water District Dispute Resolution
- b. Conference with Legal Counsel-Potential Litigation, Gov. Code Section 54956.9(e)(2): FORA Prevailing Wage Issues/Exposure

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

Board reconvened into open session at 2:55 p.m.

Authority Counsel announced there was no reportable action.

5. ROLL CALL

Voting Members Present: (**alternates*) (AR: *entered after roll call*)

Mayor Pro-Tem, O'Connell (Marina)	Councilmember Beach (City of Carmel)
Mayor Edelen (City of Del Rey Oaks)	Councilmember Morton (City of Marina)
Mayor Rubio (City of Seaside)	Mayor Pro-Tem Oglesby (City of Seaside)
Mayor Pendergrass (City of Sand City)	Supervisor Phillips (County of Monterey)
Vice Mayor Haffa (City of Monterey)	Supervisor Potter (County of Monterey)
Councilmember Lucius (City of Pacific Grove)	

Absent: Mayor Gunter (City of Salinas), Supervisor Parker (County of Monterey).

Ex-officio (Non-Voting) Board Members Present: Alec Arago (20th Congressional Dist.) AR, Vicki Nakamura (Monterey Peninsula College), Nicole Charles (17th State Senate Dist.) AR, Erica Parker (29th State Assembly Dist.), Dr. Eduardo Ochoa (California State University Monterey Bay), Donna Blitzler (Univ of California, Santa Cruz), Bill Collins (Fort Ord BRAC Office), and Lisa Reinheimer (Mtry-Salinas Transit).

6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

Michael Houlemard introduced Mary Israel, Administrative Coordinator to Board members.

Mayor Rubio introduced Craig Malin as the new City Manager for City of Seaside and announced he will assume this post in January 2016.

7. CONSENT AGENDA

Chair O'Connell said Item 7f originated from Legislative Committee and it was placed on agenda for Board approval.

- a. Approve November 2 and November 13, 2015 Board Meeting Minutes.
- b. Approve 2016 Board Meeting Schedule
- c. Denise Duffy & Associates Contract Amendment
- d. Surplus II Industrial Hygienist Selection Update
- e. Memorandum of Understanding with Association of Monterey Bay Area Governments for Orthographic Imagery
- f. Adopt 2016 FORA Legislative Agenda

MOTION: Supervisor Potter moved, seconded by Councilmember Haffa to approve the minutes with corrections requested, and Items 7b through 7f as presented.

MOTION PASSED UNANIMOUSLY.

8. BUSINESS ITEMS

- a. Oak Woodland Conservation Planning Update

Steve Endsley presented a brief report to Board and stated language comes from Base Reuse Plan as a requirement for the conservation planning locations. Staff has revised the Request for Proposal (RFP) to include a public participation process, jurisdiction coordination (County and Seaside), assistance to California Department of Veterans Affairs and the hiring of a qualified conservation biologist. He added the RFP will be presented to Board for approval at next meeting.

MOTION: Mayor Rubio moved, seconded by Mayor Edelen, to receive the updated report as provided by staff.

MOTION PASSED UNANIMOUSLY.

Board members offered comments and had questions regarding the polygons and expressed concerns about compliance.

Board received no public comment.

- b. MCWD/FORA Facilities Agreement Dispute Resolution / MOA

Michael Houlemard announced the Memorandum Of Agreement was signed by the General Manager of Marina Coast Water District (MCWD) and a copy was available to the public at entry table. Authority Counsel said the Memorandum of Agreement was arrived at in coordination with MCWD and was drafted per Board's direction and MCWD signed it through its General Manager and he requested it be authorized by Board to execute.

MOTION: Mayor Rubio moved, seconded by Supervisor Potter to approve execution of the Memorandum of Agreement as presented by Staff.

MOTION PASSED UNANIMOUSLY.

The Board received public comment.

c. Water Augmentation Project Planning Process

Mr. Houlemard stated this item was brought up through a 3-party planning process to minimize duplication and provides efficiency in the process.

Chair O'Connell reminded Board that this item was provided to Board for receiving the report.

Jonathan Brinkmann presented this Item to Board and answered questions. He said that Staff has been working with MCWD and MRWPCA to arrive at a Memorandum of Understanding (MOU) or a Memorandum of Agreement (MOA). He added all possible approaches are being reviewed and all parties are aware of cost for the implementation of this item. A Scope of Services will be provided to Board for review before provided to parties with FORA's maximum contribution of \$157,000.

MOTION: Supervisor Potter moved, seconded by Supervisor Phillips to accept the report, as presented by Staff.

MOTION PASSED UNANIMOUSLY.

The Board received no public comment.

d. Fort Ord Reuse Authority Prevailing Wage Program Resolution

Principal Analyst Robert Norris presented the item and responded to Board member questions, outlining that staff recommends an amendment to FORA Master Resolution to; 1) require contractors to register with DIR and 2) assist jurisdictions in the monitoring and enforcement of the prevailing wage clause. He further noted the need for budget authority for support staffing and to issue a Labor Compliance Services Request for Proposal (RFP) for 1 year period (not to exceed \$250,000) to enable FORA to augment jurisdictions' capacity to fulfill/comply with the Prevailing Wage Program.

The Board received public comments.

Chair O'Connell addressed Ms. Haines questions stated earlier to Board. Authority Counsel also noted that the CA Department of Industrial Relations (DIR) is aware that FORA may require contractors to register with DIR to ensure compliance. Mr. Houlemard added that as far back as February FORA has been clear about investigating/seeking DIR registration to improve compliance that workers are paid prevailing wages.

1st MOTION: Mayor Rubio moved, seconded by Councilmember Oglesby, to approve the proposed amendment to the Master Resolution.

A friendly Amendment to the Motion was made by Councilmember Morton and seconded by Mayor Edelen and was accepted by maker of Motion, Mayor Rubio. The amendment revised the proposed Resolution to reflect that: under 4th Whereas, after "subcontractors" to add for first generation projects; and that subparagraph, section (d) add a period after the word compliance and deleting the original text after the word compliance.

MOTION RECEIVED MAJORITY APPROVAL (2nd Vote Required):

Ayes: Beach, Edelen, Haffa, Morton, O'Connell, Oglesby, Pendergrass, Potter, Rubio.

Noes: Lucius, Phillips.

Absent: Gunter, Parker

Abstentions: None.

2nd MOTION: Councilmember Haffa moved, seconded by Mayor Rubio to implement Option A for staffing and to issue an RFP for labor compliance monitoring services for one year not to exceed \$250,000 pursuant to Staff's recommendation.

Board received comments from Board members regarding source of funding for this item, inability of FORA to fulfill the requirements under the Master Resolution in ensuring that proper wages are paid to workers, the potential of lawsuits for not enforcing compliance and costs associated to litigation, the lack of clarity from DIR which does not help resolve issues of non-compliance and the inconsistent concern for fiscal funding for all funding issues not just when funding helps ensure workers be paid fair wages.

Mr. Houlemard indicated that Board procedure and clarification on how this might be implemented could occur when the 2nd vote takes place at the next meeting. He further noted that, given the date the Finance Committee meets, this item would not be available to Board until its February meeting. Ivana Bednarik recommended that the Finance Committee discuss this item at its January 13, 2016 meeting and identify the source of funding so that Board can address it at its February meeting.

Substitute Motion: Councilmember Morton moved, seconded by Mayor Edelen that this matter be deferred until it is reviewed by the Finance Committee at its January meeting and further direction on what is the deliverable or what this \$250,000 would be spent on or any other sum be reviewed by Board in February.

2ND MOTION WAS NOT VOTED ON.

SUBSTITUTE MOTION RECEIVED MAJORITY APPROVAL (2nd Vote Required):

Ayes: Beach, Edelen, Lucius, Morton, O'Connell, Oglesby, Pendergrass, Phillips, Potter.

Noes: Haffa, Rubio

Absent: Gunter, Parker

Abstentions: None

9. PUBLIC COMMENT PERIOD

The Board received public comments.

10. EXECUTIVE OFFICER'S REPORT

Mr. Houlemard said Item 10e (PRAC) progress has been made, and that Categories 1&2 are being worked on. He added the trails and water augmentation are also being addressed through a water summit, economics bureaucracy and the Regional Urban Design Guidelines will be brought back to Board in February. He added all items are for information purposes only.

- a. Outstanding Receivables
- b. Habitat Conservation Plan Update
- c. Administrative Committee
- d. Finance Committee
- e. Post Reassessment Advisory Committee
- f. Regional Urban Design Guidelines Task Force
- g. Travel Report
- h. Public Correspondence to the Board

The Board received comments from Board members.

11. ITEMS FROM MEMBERS

Chair O'Connell closed meeting by wishing everyone a Happy Holidays, a Happy Hannukkah and a Happy Kwanza.

12. ADJOURNMENT - Meeting adjourned at 4:15 p.m.