



**FORT ORD REUSE AUTHORITY**  
**BOARD OF DIRECTORS REGULAR MEETING MINUTES**  
**2:00 p.m., Friday, June 14, 2019 | Carpenters Union Hall**  
910 2<sup>nd</sup> Avenue, Marina, CA 93933

**1. CALL TO ORDER**

Chair Supervisor Jane Parker called the meeting to order at 2:02 p.m.

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Supervisor Chris Lopez.

**3. CLOSED SESSION**

- a. Conference with Legal Counsel – Gov. Code §54956.9(a), (d)(1): Keep Fort Ord Wild v. Fort Ord Reuse Authority. Monterey County Superior Court Case No.: 17CV004540, Pending Litigation.
- b. Conference with Legal Counsel – Gov. Code §54956.9(a), (d)(1): Marina Community Partners, LLC v. Fort Ord Reuse Authority, Monterey County Superior Court Case No.: 18CV000871, Pending Litigation.
- c. Conference with Legal Counsel - Potential Litigation, Gov. Code §54956.9(d).
- d. Conference with Labor Negotiators - Government Code section 54957.6.  
Agency designated representatives: Michael A. Houlemard, Jr, Mi Ra Park, Sofia Selivanoff.

Time Entered: 2:05 p.m.

Time Exited: 3:21 p.m.

**4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION**

Authority Counsel Jon Giffen announced the following:

**Item 3a;** The Board authorization Authority Counsel to execute a settlement agreement with the primary terms that Keep Fort Ord Wild (“KFOR”) will release any and all claims known, and unknown, that arise from the lawsuit against FORA. KFOR will release their rights to appeal and FORA will relinquish its claim for cost and attorney’s fees against KFOR.

**Item 3b;** The Board heard from Counsel and gave directive to continue the course in attempting to resolve the litigation.

**Item 3c;** The Board heard from Counsel concerning the status of the claims being made that may evolve into a potential litigation. There was nothing to report.

**Item 3d;** The Board heard from the Labor Negotiators and counsel and gave direction for further negotiations.

## 5. ROLL CALL

### **Voting Members Present:**

Supervisor Jane Parker (County of Monterey) Supervisor Mary Adams (County of Monterey), Supervisor Chris Lopez (County of Monterey), Councilmember John Gaglioti (City of Del Rey Oaks), Councilmember Frank O'Connell (City of Marina), Mayor Pro-Tem Gail Morton (City of Marina), Councilmember Alan Haffa (City of Monterey), Mayor Ian Oglesby (City of Seaside), Councilmember Dave Pacheco (City of Seaside), Mayor Mary Ann Carbone (City of Sand City), Mayor Joe Gunter (City of Salinas), Councilmember Jan Reimers (City of Carmel-by-the-Sea)

### **Ex-officio (Non-Voting) Board Members Present:**

Marina Perepelyuk (20<sup>th</sup> Congressional District), Nicole Hollingsworth (17<sup>th</sup> State Senate District), Erica Parker (29<sup>th</sup> State Assembly District), Steve Matarazzo (University of California, Santa Cruz), Colonel Gregory Ford (United States Army), Bill Collins (Fort Ord Army Base Realignment & Closure Office), Lisa Rheinheimer (Monterey-Salinas Transit), Michael Wegley (Marina Coast Water District)

## 6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

Executive Officer Michael A. Houlemard, Jr. announced the following:

- U.S. Army Fort Ord Cleanup Community is seeking help refining their outreach program by participating in a survey. The survey takes about 10 minutes. Go to the News section of FortOrdCleanup.com to access the on-line survey. Please take the survey by August 30, 2019.
- DART Symposium will be held on June 21, 2019 at the Monterey Hyatt. All Board Members have a ticket in their name available.
- Ikyuo Yoneda-Lopez has accepted a new position as Monterey Salinas Transit Marketing Manager.
- Robert Norris and Steve Endsley announced their retirement effective June 30, 2019.
- Jonathan Brinkmann announced he has accepted a new position with the Monterey County Local Agency Formation Commission effective July 1, 2019.

Mr. Houlemard requested three items be added to the agenda: Resolutions of Appreciation for two FORA staff members who are retiring, one for senior staff who has accepted a new position outside of FORA.

**MOTION:** On motion by Board member Morton and seconded by Board member Oglesby and carried by the following vote, the Board moved to add three resolutions to the agenda.

Mr. Houlemard read into the record Resolutions of Appreciation for Jonathan Brinkmann, Steve Endsley, and Robert Norris.

**MOTION:** On motion by Board member Morton and seconded by Board member Carbone and carried by the following vote, the Board moved to approve three resolutions for Jonathan Brinkman, Steve Endsley, and Robert Norris.

### **MOTION PASSED UNANIMOUSLY**

Chair Parker requested one additional item be added to the agenda: Resolution Honoring Michael A. Houlemard, Jr.

**MOTION:** On motion by Board member Reimers and seconded by Board member Lopez and carried by the following vote, the Board moved to add one resolution to the agenda honoring Michael A. Houlemard, Jr.

Director Gaglioti read into the record the Resolution honoring Michael A. Houlemard, Jr.

**MOTION:** On motion by Board member Adams and seconded by Board member Gaglioti and carried by the following vote, the Board moved to approve the Resolution honoring Michael A. Houlemard, Jr.

#### **CONSENT AGENDA**

- a. Approve May 10, 2019 Meeting Minutes
- b. Administrative Committee
- c. Veterans Issues Advisory Committee
- d. Building Removal Financing/Feasibility Update
- e. Public Correspondence to the Board

Chair Parker introduced the agenda items and asked if Board members had any comments or items to pull for discussion. Board Member Morton requested to pull 7a – May 10, 2019 Meeting Minutes for correction and 7d for clarifying questions.

**Motion:** On motion by Board member Gunter and seconded by Board member Carbone and carried by the following vote, the Board moved to continue item 7a – May 10, 2019 Meeting Minutes to the next FORA Board regular meeting and approve the remaining consent agenda items 7b – 7e.

#### **MOTION PASSED UNANIMOUSLY**

### **7. BUSINESS ITEMS**

*\*Chair Parker requested to hear Item 8f – 2018 Transition Plan and Implementing Agreement Progress Report first.*

#### **f. 2018 Transition Plan and Implementing Agreement Progress Report**

Executive Officer Michael A. Houlemard, Jr. introduced the item stating that Regional Government Services (“RGS”) has made progress in the process of drafting the transition plan implementing agreements. He stated that an early draft of a global, comprehensive, implementing agreement has been circulated to the Administrative Committee. The Committee members and the jurisdictions, have responded with their comments. A second draft, with edits based on those comments, will be distributed at the June 19<sup>th</sup> Administrative Committee meeting. Mr. Houlemard advised the Board that Kendall Flint of RGS anticipates to present a final draft version of the Transition Plan Implementing Agreements at the July meeting.

Mr. Houlemard informed the Board that upon the distribution of the Board packets, more updates have been made to the status of Senate Bill (“SB”) 189. SB 189 was introduced to the Senate by Senator Monning’s office and if approved, will extend FORA and the Community Facilities District for two years. He stated that more edits are anticipated before it goes to the Local Government Committee in July and then moves onto the Assembly floor. Staff responded to comments from the Board.

#### **a. Retention and Separation Package for Fiscal Year (“FY”) 2019-2020**

Mr. Houlemard introduced the item and RGS Consultant Mi Ra Park provided a presentation on the Retention and Separation Package recommendations to sustain the existing FORA employees to carry out the mandated program and project functions. Ms. Park noted there are four components of the package and the fourth component has three options in which the Board must decide upon. The four components are as follows: 1) 5% stipend to compensate for additional duties assigned,

2) upon separation from employment a \$1,000 per month bonus will be provided for each month after July 1, 2019 that an employee remains in employment with FORA, 3) FORA will contribute up to 12 months of monthly premium cost for continuation of medical/dental and vision coverage. Ms. Park reviewed the fourth component of the package noting it was originally based off of longevity when it was first recommended, however since the original analysis earlier this year, the employee composition has changed. FORA has seen the departure of 6 staff members, therefore additional recommendations have been made. Ms. Park reviewed the three options under the fourth component. Staff and Mi Ra Park responded to questions and comments from the Board and public.

**MOTION:** On motion by Board member Carbone and second by Board member Garfield and carried by the following vote, the Board moved to approve the recommendation, and selecting option C of component number four; Four (4) weeks of base salary for any employee with less than five (5) years of continuous FORA service, and additional one (1) week of salary for each year of continuous service after five (5) years, up to a maximum of eight (8) weeks if salary (prorated for less than a full year of service), and updated language on the Resolution sections A and F as proposed.

**MOTION PASSED UNANIMOUSLY**

**b. Consider Adoption of FORA FY 2019-2020 Annual Budget 2<sup>nd</sup> Vote**

Mr. Houlemard and staff had no further information to provide regarding the 2<sup>nd</sup> vote. There were no comments from the public.

**MOTION:** On motion by Board member Gunter and second by Board member Lopez and carried by the following vote, the Board moved to adopt the fiscal year 2019-20 annual budget and the proposed staff compensation and benefits adjustment.

**MOTION PASSED UNANIMOUSLY**

**c. Del Rey Oaks Pollution Legal Liability Loan Retirement**

Chair Supervisor Jane Parker introduced the item. Director Gaglioti requested to recuse himself as he has an interest in the outcome. Mr. Houlemard provided background on the request noting it was initiated by FORA staff inquiring what Del Rey Oak's ("DRO") intent was to retire the debt that is outstanding for DRO's share of the Pollution Legal Liability Insurance Policy. In response, DRO sent a letter with a proposal which was reviewed by the Finance Committee in April 2019. The Finance Committee provided direction to the Executive Officer to respond outlining the Committee's willingness to consider a payment schedule and terms that pay off the loan before the sunset of FORA on June 30, 2020. DRO responded with an updated proposal to pay off the principal amount of the loan by making an initial payment of \$211,000 and monthly payments of \$28,000 with the last payment on June 1, 2020. Authority Counsel reviewed this matter and does not believe this would constitute a gift of public funds. The Board provided direction to Authority Counsel. Staff responded to questions and comments from the Board.

**MOTION:** On motion by Board member Morton and second by Board member Haffa and carried by the following vote, the Board moved to accept a monthly payment schedule for the payment in full of \$522,961.58 in principal owed to FORA as an entity, that the payments will be made timely pursuant to the schedule and amounts attached in the amortization schedule. The obligation needs to be paid in full by June 1, 2020. Providing all those terms and payments are timely made, there would be a forgiveness of additional sum of interest of approximately \$56,000. If payments are not timely received or not paid in full by June 1, 2020, the obligation bears interest at 5% on the unpaid balance and is due forthwith.

**MOTION PASSED MY MAJORITY (12 AYES; 1 NO) 2D VOTE REQUIRED JULY 12, 2019.**

*\*Chair Parker noted that time had expired for the scheduled Board meeting and a motion to extend past 5:00 p.m. for item 8d and public comment.*

**MOTION:** On motion by Board member Oglesby and second by Board member Carbone and carried by the following vote, the Board moved to hear item 8d, public comment, and adjourn the meeting.

**d. Administrative Consistency Determination for Entitlement: Seaside Senior Living**

Mr. Houlemard introduced the item and Principal Planner Jonathan Brinkmann reviewed the project noting this is a 144-bed residential care facility with different levels of care and advised the Board this does not require Board action unless there is an appeal. He noted this project received the approval of its Planning Commission and City Council. He added FORA staff has determined this project is consistent with FORA's Base Reuse Plan and Master Resolution. Mr. Brinkmann stated that no appeals have been received to date and any Board member can appeal this action. If no appeals are received on, or before, the June 14, 2019 Board meeting, this will be deemed consistent. Staff responded to questions and comments from the Board.

**This Item was for information only.**

**e. Special District Risk Management Authority Board of Directors Election**

This item was not heard due to time constraints and will be brought back to the next regular scheduled Board meeting on July 12, 2019.

**8. PUBLIC COMMENT**

None.

**9. ITEMS FROM MEMBERS**

None.

**10. ADJORNMENT**

Minutes Prepared by:  
Heidi L. Lizarbe  
Deputy Clerk

Approved by:

  
Michael A. Houlemard, Jr. Executive Officer