



MINUTES

Tuesday, September 25, 2018

5:00 P.M. Closed Session

6:00 P.M. Open Session

**SPECIAL MEETING
CITY COUNCIL, AIRPORT COMMISSION,
MARINA ABRAMS B NON-PROFIT CORPORATION, PRESTON PARK SUSTAINABLE
COMMUNITY NON-PROFIT CORPORATION AND SUCCESSOR AGENCY OF THE
FORMER MARINA REDEVELOPMENT AGENCY**

Council Chambers
211 Hillcrest Avenue
Marina, California

1. CALL TO ORDER
2. ROLL CALL & ESTABLISHMENT OF QUORUM: (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, and Successor Agency of the Former Redevelopment Agency Members)

MEMBERS PRESENT: Nancy Amadeo, Gail Morton, Frank O’Connell, Mayor Pro-Tem/Vice Chair, David W. Brown, Mayor/Chair Bruce C. Delgado
3. CLOSED SESSION: *As permitted by Government Code Section 54956 et seq., the (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, and Redevelopment Agency Members) may adjourn to a Closed or Executive Session to consider specific matters dealing with litigation, certain personnel matters, property negotiations or to confer with the City’s Meyers-Milias-Brown Act representative.*
 - a. Conference with legal Counsel, anticipated litigation: initiation of litigation pursuant to paragraph (4) of subdivision (d) of CA Govt. Code Section 54956.9 – Two potential cases
4. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)

Robert Rathie, Assistant City Attorney reported out closed session: Council met in closed session with regard to the two items listing having to do with litigation and received information, some direction was provided on each matter, not reportable action was taken.

5. OTHER ACTION ITEMS: *Action listed for each Agenda item is that which is requested by staff. The City Council may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*

Note: No additional major projects or programs should be undertaken without review of the impacts on existing priorities (Resolution No. 2006-79 – April 4, 2006).

- a. City Council consider adopting Resolution No. 2018-116, approving comments on Fort Ord Reuse Authority’s Proposed Transition Plan and Findings.

Council Member Morton provided an overview.

We had a council meeting two weeks ago with regard to the FORA Transition Plan and City Manager and city attorney presented materials. Prior to that meeting, Council has held two other public discussions looking at and considering prior renditions of FORA's proposed Transition Plan. The city, its attorney, and FORA representative have reviewed the FORA Act, FORA's funding structures, what the law requires, what the law specifically obligates us to do as a jurisdiction, what the law authorizes FORA to do as the reuse authority and thereafter drafted a position paper that we are going to be reviewing as council.

I serve on the FORA Board as a City of Marina representative and have served on the FORA Transition Task Force which first convened in 2016, a new Transition Task Force convened in 2017, and an Ad-hoc Transition Committee convened by the FORA Board in 2018. In those 3 years, transition issues have been discussed in depth, including what happens with the Base Reuse Plan and what are the obligations going forward. The City is independently analyzing the same questions. In addition, consideration is given to what funding mechanisms are available to fulfill the regional plan and how do we also make sure that the best interests of the City of Marina are protected.

Council Member Morton – referring to the proposal, the first 8 pages recites what's in the Fort Ord Reuse Authority Act. What we're looking at in particular is "what was FORA created to do?" FORA was created under the Government Code Section 67650, et seq. The act is called the Fort Ord Reuse Authority Act and was enacted in 1994. When created that Act and FORA was to have a 20-year life span.

The intent was an agency that created a plan and assisted the jurisdictions in implementing the plan to transfer the use of Fort Ord from military use to private use. FORA was charged with three primary functions: to prepare, adopt, review and revise the Base Reuse Plan; to serve as the local public agent for the acquisition, lease and disposal of the former base property; and to identify base-wide capital facilities and undertake a plan for the facilities including arranging financing for construction. FORA was to create a regional plan and it did so. In 1997 the Base Reuse Plan was adopted and the Final EIR was certified by the FORA Board.

Once the plan was approved, it was incumbent upon each jurisdiction to incorporate the Reuse Plan into its General Plan and submit its General Plan to FORA for what's called a "Consistency Determination". The City of Marina and every jurisdiction has submitted its General Plan to FORA and each have been determined consistent. There is one exception, that being the County's 2010 General Plan which was rejected as not being consistent with the Reuse Plan. However, an earlier County general Plan was deemed consistent by the FORA Board and I am informed the County's position is the earlier Plan fulfills what it is required to do.

The Authority Act did not say FORA gets to plan what's on your land. The regional board came up with a "general plan" (Reuse Plan) and each jurisdiction has the last say about what is done on lands within its jurisdiction, provided consistent with the Reuse Plan.

Mayor Delgado asked council if they had any questions or comments on the Findings A-U on the first 8 pages.

Council Member Amadeo thought that Item G is very important to point out where it is quoted from the 1997 Reuse Plan: "*The land supply is expected to accommodate growth for 40-60 years depending on the land use type and future market conditions*". Thinks it's important because it also says that FORA was supposed to sunset in 20 years originally. There was never an intent that FORA would exist beyond accomplishing those very first three (3) goals. It is not necessary for the Plan to be fully executed in order for FORA to sunset.

Council Member Morton responded: FORA's Transition Task Force in 2016 focused discussions on FORA's staff projection that the plan would be fully built out by 2037. In the next year, the new Transition Task Force were informed by FORA staff that full buildout was achievable by 2028. Unfortunately, these projections are not realistic. Marina has three (3) entitled projects and none of these projects are being built at the rate that FORA staff has projected. As of January 2017, there were 685 permits pulled for building of homes. Of the total 6,160 new homes allowed in the plan, permits have been pulled for approximately 1,000 as of today. The rate of absorption does not support full build out by 2028 but is consistent with the Base Reuse Plan's projection of 40-60 years to complete buildout. FORA staff's Projection of full buildout by 2028 or 2037 is unrealistic.

The initial Act, that enacted in 1994, and the 2012 extension of the Act, required FORA terminate when 80% of the developable land was developed, or on a date certain, initially June 30, 2014 and now June 30, 2020. We did not hit that 80% by 2012 and then Assemblyman Bill Monning, now Senator Monning, sponsored legislation at the request of the FORA Board to extend the legislation for 10-years. The state legislature was asked to extend the Act and thus FORA in large part because we had gone through the recession and development was delayed by market conditions. It was argued at the legislative level that FORA was necessary for an additional 10-years. A second argument made in support of an extension of the Act was additional time was needed for clean-up of the munitions and explosives of concern. A third argument made for extension was the Habitat Management Plan (HMP) had been approved but not the Habitat Conservation Plan (HCP). The State Legislator rejected a 10-year extension and gave FORA a 6-year extension to June 30, 2020 or upon 80% completion, whichever first occurred.

With the 2012 extension to June 30, 2020, the Act was also amended to include preparation of a transition plan by FORA which is to be submitted to LAFCO for approval in December of this year.

Council went through each numbered response (1-15) from Marina for questions/comments:

R-1 - Council Member Morton – Base-wide Mitigation Measures and Base-wide Costs are not mitigation measures required by CEQA or by the Reuse Plan. The FORA Capital Improvement Program (CIP) is determined by the FORA Board. The CIP is reviewed annually and subject to Board discretion. The current FORA CIP identifies many roads thought best in the development of Fort Ord by the Board; water augmentation; and responsibilities for habitat protection. Also, in the CIP is blight (building) removal. Under the Government Code every agency that has a Plan and a Capital Improvement Program is required to review that Capital Improvement Program and has the discretion to revise it. FORA's CIP was created within the discretion of the board; as is the policy to identify priority of the proposed projects. One of the key criteria in deciding what should be done (priority) in that CIP is "can the project be completed before FORA sunsets?" and the intention is that FORA would be doing what it could do in its 20-year life cycle and thereafter the jurisdictions would have to complete as appropriate. Where the distinction comes up between the city's position and FORA's position is the characterization of these "basewide mitigation/basewide costs" being mandatory mitigations. The City of Marina believes FORA's position is a misinterpretation of the law. The mitigations that are mandatory are in the certified EIR and those 13 mitigations were not specific roads and they were not specific projects. The mitigations were policies and programs that every jurisdiction needed to adopt put into their General Plan and implement. What's required in the EIR and Base Reuse Plan is traffic circulation mitigations that address the impact of growth happening in the former Fort Ord. The CIP is how the FORA Board decided it wanted to address transportation mitigations. Adoption of the FORA CIP does not make it a legal obligation on the jurisdictions. What's not discretionary is that we (jurisdictions) need to address impacts of growth including traffic circulation.

R-2 - no questions/concerns

R-3 - no questions/concerns

R-4 - Council Member Morton - In the Transition Plan the contractual obligations are not identified. It is Marina's assertion that to assign any contract, the contract has to have an assignability clause in it. What is being assigned and who is the responsible party that it's going to be assigned to must be identified. Unilateral assignments are not authorized under the FORA Act. Nor are they authorized under contract law. This doesn't mean that FORA should not have a transition plan that addresses the assignment of obligations. What this means is you need to identify what the contract is, what are the provisions of the contract that you're seeking to assign and then you negotiate with the other entity to which it is to be assigned. Many of FORA's contracts are between entities, for example MCWD. So, whatever the contract between FORA and MCWD is, if the contract terms extend beyond 2020 MCWD already assumed those obligations. One of those obligations is to produce water and deliver the water to every development on the former Fort Ord footprint. For us in the City of Marina if we have a contract with FORA that we're obligated to do an obligation then that would be for us to fulfill that obligation and we would be negotiating with FORA or any of the other jurisdictions on what is our responsibility and how do we implement that. Our legal counsel has looked at this and the one contract that we have with FORA is our Implementation Agreement. And many of these comments are based on her legal analysis of our Implementation Agreement. FORA has not identified any other specific contracts with the City of Marina, which we have not fulfilled or that we would be expected to fulfill in the future. If there is something that the City of Marina is to assume tell us what it is and we will evaluate if we believe it is our responsibility and if it is our responsibility how do we fulfill that obligation?

Council Member O'Connell – Has a copy of the staff report and resolution from Friday's FORA Board meeting and they made reference to a Transition Plan Implementation Agreements (TPIA) which is my understanding basically that they're directing the executive officer to meet with the various jurisdictions for putting together these transition plan implementation agreements. What is to happen if in fact there is no agreement of this TPIA? We're in a position that the Implementation Agreement is not assignable and if it's not assignable and we cannot enter into a Transition Plan Implementation Agreement what happens to the existing Implementation Agreements? Do they just die upon the sunset of FORA?

R-5 - no questions/concerns

R-6 - no questions/concerns

R-7 - Council Member Amadeo – Talks about FORA CFD revenues, so perhaps that's another one that would be good for the public to understand the CFD revenues going away. I know we're discussed this as it relates to Sea Haven and how we're going to deal with it so perhaps it would be appropriate to explain to the public that even though FORA's CFD goes away there's alternatives, that it's not a reason to not transition.

Mayor Delgado – this matter regards FORA having a Community Facilities District (CFD) that allows them to collect fees from developers who build homes or office space etc. and FORA in their documents are claiming the if FORA were to sunset we could only replace that revenue stream with development impact fees which would include a nexus study to justify them and our position is in disagreement that there are other options, multiple options that local jurisdictions such as Marina could take to replace those fees that FORA now is collecting through their CFD. One of our examples is that we're recently inked a contract with Sea Haven or Marina Heights should FORA sunset that a new CFD between Marina and Sea Haven would go into effect to replace the FORA fee revenue stream.

Council Member Morton –FORA gets money from several sources. The CIP is funded with tax increment it collects and these development fees (CFD). FORA has set up a special facilities district and a CFD is a tax the developer pays. Currently that tax is \$24,000 for every new residence built on

the former Fort Ord. So, when we're talking about CFD's those are development fees, those are not monies coming from the jurisdictions, they are monies coming from the developer.

The legislative Act empowered FORA to come up with a fair and equitable funding structure to build some of the base-wide facilities that were for the benefit of the entire region, not just within one city or the county. Government Code Section 67679(d) sets forth 12 different taxing options that FORA could choose from in addition other levies that they could impose on the jurisdictions or on the developers to generate funds. Again, these funds are to address the impacts that happen as you develop land; that you try to shift those costs to the developer to pay for what you need, e.g., roads and habitat management. Anytime you're disturbing natural habitat, where there are endangered species you have to go someplace else and create a spot where the species can be protected.

So, FORA decided under these 12 options to do what's called a Mello-Roos Special District. Mello and Roos are the two legislators that this Act was named after when enacted in 1982. FORA created a funding structure and initially the tax (CFD) for each home built was approximately \$44,000. So, if you were building a home and pulled a permit you would pay to FORA \$44,000. Over time the FORA board reduced that tax and it is now \$24,000 per home, and there is also a fee on square footage for commercial development. If the totality of Fort Ord is built out those CFD fees will raise \$72.2 million on the already entitled projects and \$55.2 million on future projects that are not yet entitled but may be planned. FORA projects a total of \$127.4 million to be collected from developers to fund the CIP's transportation, the habitat conservation plan, and the requirements for water augmentation. FORA also projects the CIP will cost \$194.5 million. When FORA sunsets in 2020 that development district goes away. So, what happens if FORA hasn't collected the \$55.2 million and the \$72.2 million by 2020? That's the question.

What Marina and others are considering is what can the jurisdictions do to generate equivalent funds; and even if generated, the funds are insufficient to fulfill the CIP obligations proposed by FORA. The funding plan implemented by FORA underfunds the improvements that FORA has planned, which is a great concern to all the jurisdictions.

Until this Act is repealed and FORA sunsets, jurisdictions are precluded from imposing the 12 taxing measures identified in Government Code Section 67679(d) as a source of revenue to meet obligations, unless expressly approved by FORA. So, what's happening here is that if FORA is extended or the FORA CFD is extended by legislation, insufficient revenues will be generated to put in the roads, to do the water augmentation, and to have the habitat conservation plan fully implemented.

FORA staff suggests jurisdictions look to their land sale revenues and to property tax to collect additional funds to fund these projects (\$67 million shortfall). What we're concerned about in the city of Marina are land sale revenues will not be sufficient. We don't anticipate having a tremendous amount of funds from our land sale revenues because the cost of getting the buildings off of the land will equal or exceed the fair market value of the land in the current condition. So, we're not sure we're going to have any land sale revenues to add to the FORA CFD to meet the commitments we are being asked to assume.

So, now to go to the Mayor's point, Marina has been proactive knowing when FORA sunsets in 2020 Marina must have alternative funding sources to pay for its fair share of the impacts of development; including our portion of transportation, our portion of habitat management and anything that may have to do with water that would fall on our shoulders. So, Marina is looking at creating our own taxing measures on developers. When FORA sunsets the 12 taxing measures now available to FORA will be available to Marina and other jurisdictions, and not subject to FORA approval. For example, looking to the totality of Marina's developable land within the boundary of Fort Ord *and* which is not yet entitled, what tax will Marina need to impose on developers to generate adequate dollars for transportation

needs, habitat protection, and any water obligations of the city. We want to take charge of this plan today, in 2018, to be ready in 2020.

The reason the FORA CFD is broken out between “proposed projects” and “entitled projects” is those entitled projects are already under contract and those developers are required to pay FORA its CFD. When FORA sunsets that obligation is not assignable; it’s not collectable. So, the City of Marina is reviewing and seeking to modify contracts for its three (3) entitled developments, which FORA computes will generate CFD of \$55 million. Those entitled projects are Marina Heights, now called Sea Haven, the Marina Community Partners, which is The Dunes, and the third one is Cypress Knolls. In July 2017, Marina successfully negotiated with both developers for Sea Haven for payment of a replacement amount of money to the City of Marina. That is, an amount equivalent to whatever the FORA CFD is when FORA sunsets on June 30, 2020, will now be paid to the City of Marina, and Marina will apply the funds to satisfaction of obligations. So, on June 30, 2020 when FORA goes away, if a developer was to pay \$24,000 when it pulled a residential permit to FORA, our contract states the developer will pay that \$24,000 to the City of Marina. Marina is unable to impose a new tax on the already entitled projects, but by contract the developer agrees to pay an amount equal to the FORA CFD obligation. Marina will use that \$24,000 from each residence as it goes forward to meet our share of the obligations as they are needed, such as streets. Additionally, as Marina knows the FORA CFD is underfunded we have additional provisions in the contract to generate sufficient funds to meet our share of the obligations.

Council Member Amadeo – (1) So, FORA has been collecting CFD funds? (2) They have an account? So, when they sunset where does the \$20 million go? (3) If they’ve been using the CFD, developers are paying them per house/per lot every time they pull a permit that’s supposed to go to specific CIP obligations? If those have not been completed and there’s money still in the account when they sunset where does the money go? How is FORA to account for that money and the distribution of that money?

Council Member Morton – (R1) FORA has an account and as of 2017-18 CIP FORA has collected about \$20 million total in CFD funds. (R2) FORA has been spending it. (R3) So, in the earlier rendition of a proposed transition plan, I don’t think that point was addressed. But I don’t think it is going to be a huge problem. Of the \$24,000 collected, the FORA Board established a policy to set aside 30% to fund the habitat management plan and the habitat conservation plan. Having put aside 30% of each CFD fee to fund the habitat protection, FORA currently has \$13.8 million earmarked for habitat. So whichever group of jurisdictions or whoever takes responsibility for habitat protection, those funds and any additional funds collected between now and 2020 (which FORA is projecting to be \$21 million total) will go to it. Going forward after 2020 our replacement CFD goes into place and Marina would continue to contribute as necessary if Marina is part of this habitat conservation plan. Marina has a significant portion of the habitat management plan land and so Marina would expect to benefit from the funding as would the County, Seaside and whichever other jurisdictions have habitat management obligations to fulfill.

R-8 - no questions/concerns

R-9 - no questions/concerns

R-10 - Council Member Morton - The FORA proposed transition plan proposes any administrative liabilities and obligations be allocated among jurisdictions based on your voting representation. For example, the City of Monterey has 1 vote and 1 vote would be 7.69% and City of Marina has 2 votes and would be taking on 15.38% of these costs. If the obligation is \$100, we pay \$23.80 of it. The County has 3 votes so they’re taking 23.1%. The City of Marina objects to this because we find no legal authority to support this allocation of obligation(s). The biggest obligation that is characterized as an administrative obligation is the CalPERS Retirement Program liability for the 16 full-time equivalent employees at FORA and any past employees that have retired. The unfunded liability is estimated to be between \$6-8 million. FORA has already set aside \$5 million and actually put that into

a special bond program so that's protected to satisfy a portion of the obligation. I serve on the FORA Finance Committee and over the last 3 years at least if not 4 we've been trying to set aside more and more funds to make sure that there is adequate funding to fully pay the retirement obligation when FORA sunsets.

Both Councilmember Frank O'Connell and I are your FORA representatives and both of us have been supportive of FORA marshalling its current funding stream and its funding stream between now and 2020 to make sure that CalPERS obligations get paid and no jurisdiction needs to take on any responsibility. Also, case law exists holding deficiencies in CalPERS funding cannot be passed on to the member jurisdictions. FORA staff disputes applicability of the case to FORA, and that would be a legal question for courts. But if you have the ability to fully fund CalPERS, do so, and this issue go away. Which is prudent oversight and prudent transition planning. The FORA proposed transition plan does not identify any other administrative liabilities. It simply assigns Marina financial responsibility for 15.38% of an unknown. What would the City of Marina be taking 15.38% of?

Currently there is litigation pending against FORA and FORA is paying attorneys to defend against legal action. Some of the legal challenges arise from the legislative actions passed by the FORA Board majority. Do these "administrative liabilities" include liability for monetary judgments against FORA? Are we be asked pay 15.38% of judgments, and contribute 15.38% to litigation costs? There is no funding mechanism available to the jurisdictions to come up with this money besides their general fund. In the City of Marina, we have no extra dollars with which to satisfy liabilities arising from FORA doing business.

Marina is cautiously examining both what is it legally required to pay going forward and what is it contractually obligated to pay? Marina is adamant that FORA does not have the authority under the Act to force responsibility for so many unidentified, if not undefined obligations, onto the member jurisdictions.

Council Member O'Connell – on the list there is looks like the City of Monterey is listed twice but it only has the one (1) vote.

R-11 - no questions/concerns

R-12 - no questions/concerns

R-13 - Council Member Morton - FORA has made the building removal or blight removal the responsibility of the land use jurisdictions. If you look at the FORA website there are reports on building removal. Buildings awaiting removal within each jurisdiction are set forth on the maps provided. About 90% of the buildings that remain on the former Fort Ord that are unusable are within Marina. No funding mechanism currently exists to pay for removal of these buildings. The sole funding source for Marina is the hope that the cost of getting those buildings off the land does not exceed the value of the land underneath. By Board decision, FORA limited its projects and responsibilities in the City of Marina (this happened decades before Frank and I served on FORA) to taking down the stockade (where the Las Animas rents for its cement operations next to our equestrian center). FORA anticipates it will get the stockade buildings removed at its expense and without contribution from the City of Marina before June 30, 2020.

FORA has also committed to a financial contribution in excess of \$5 million to the City of Seaside and Seaside will be directing the takedown of about 17 buildings. The financial contribution is inadequate to finish taking down Seaside's abandoned buildings.

Removal of the stockade in Marina and the financial contribution to Seaside are projected to cost \$9.6 million. Land sale revenues are the source of funds for the takedown of blight by FORA Board decision.

Steve Endsley is here from FORA. In a memo that he wrote and distributed in January 2016, when FORA started this transition planning process, Steve Endsley identified that the cost to the jurisdictions for the remaining building removals after FORA sunsets in 2020 would be \$54 million. That cost estimate was modified to \$48 million at some point in time and I don't know what number FORA is currently estimating it to be, but you can see it's a lot of money. Whether or not FORA continues to exist after 2020, FORA has no obligation, no funding structure, and no intention of removing additional buildings. The expenditure of \$9.6 million prior to June 30, 2020 for the removal of our stockade and a monetary contribution to Seaside will fulfill FORA's building removal obligations. That's it. This is part of the great failure of FORA, and this will not be fixed by extending FORA.

Jurisdictions have no ability to raise funds for building removal costs by taxing or imposing monetary obligations on developers and GC Section 67679(d) restricts use of many funding mechanisms for as long as FORA exists. How do we pay for removal of blight? Eligibility for many federal grants is precluded because the entire Fort Ord is considered a Super Fund Site. This CRCLA designation means you can't go get other federal grants to take down these buildings. Former Fort Ord is a super fund site because of the contamination of water, not because of these buildings.

Adding to the problem for the City of Marina is that land transferred to it under the Lands to Park Program. The old barracks south of the Water City building aren't within any of FORA's funding considerations. So, this is a huge issue for all jurisdictions. The County, Seaside and Marina are struggling with how do we get these buildings down? It's something we're going to have to address. But what I want everybody to hear is continuing FORA is not going to address that issue under the current Act.

R-14 - no questions/concerns

R-15 - Council Member Morton – MCWD owns currently all of the infrastructure related to water and wastewater. MCWD owns all of the infrastructure *and* all of the rights to pump and deliver water. FORA doesn't retain ownership of any of that. MCWD has represented at the FORA Board meetings, multiple times as we've addressed transition planning, that as a public water agency it possesses the tools to impose fees on developers. Production of new water costs money, but MCWD is a public agency in the water business and prepared to take on water related responsibilities and fulfill them.

One of the obligations under the Act was for FORA to make water allocations among all the jurisdictions. When the base closed the Army purported to transfer the right to pump 6,600-acre feet per year from the basin, so long as it was not exasperating seawater intrusion. FORA did allocate the 6,600-acre feet among the land use jurisdictions. What's in our interest is that MCWD continue to enforce these water allocations after June 30, 2020. And why that's important is every jurisdiction relied on their water allocations when planning their developments across the totality of acreage.

Conclusion Section - no questions/concerns

Public Comments:

- Paula Pelot – \$55 million for blight, is that for all the blight or is that Marina's portion? Do we have an estimate of what our salable land values are vs. that \$55 million? Does it balance out to \$0? Or what value might we get from the land sales? What impact, if any, from potential splitting of land sale revenues? Can we speak to that formula? Thinks this a phenomenal document and the city should be very proud of the work that went into this, the thinking that went into this, and the conclusion that it comes to. It shows a level of intelligence that this city is exhibiting through our representatives that I wish we would see on the rest of the Board of FORA.
- Margaret-Ann Coppernol – Do we know how much in total the city of Marina has paid to FORA of the last 20-years? On page 7, last paragraph, first sentence says: *“the board may create any of these financing districts within the area of Fort Ord to finance basewide public facilities without*

the consent of any city or county”. Wondering what impact that has had on our city and what happened to our two votes?

MORTON/AMADEO: SUBJECT TO CORRECTIONS OF SOME TYPOGRAPHICAL ERRORS MINUTIA IN THIS DOCUMENT, THAT WE:

1. **ADOPT THE FINDINGS AS SET FORTH ON THIS PAPER THAT WE JUST REVIEWED (DRAFT FORA RESOLUTION AND TRANSITION PLAN) AS THE FINDINGS OF THE CITY OF MARINA; AND**
2. **THAT WE COMMUNICATE OUR FINDINGS IN OUR POSITION TO THE FORA BOARD BEFORE SEPTEMBER 28, 2018; AND**
3. **THAT WE TAKE ACTION AS A CITY AND OBJECT TO ANY CONTINUATION OF FORA; AND**
4. **THAT WE OBJECT TO THE TRANSITION PLAN OF FOR A IN ITS CURRENT FORM; AND**
5. **THAT WE OBJECT TO ANY ACTS BY FORA TO SEEK LEGISLATIVE IMPOSITION OF ADDITIONAL OBLIGATIONS ON LAND USE JURISDICTIONS; AND**
6. **THAT THE CITY MANAGER AND FOR A REPRESENTATIVES TO MAKE DECISIONS THEY FEEL THEY NEED TO MAKE PRIOR TO SEPTEMBER 28, 2018 IN ACCORDANCE WITH THE DRAFT FORA RESOLUTION AND TRANSITION PLAN AND THE FINDINGS OF THE CITY OF MARINA AND COUNCIL DISCUSSION.**

5-0-0-0 Motion Passes

6. **ADJOURNMENT:** the meeting adjourned at 7:40 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor