



Monterey County

Board Order

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Salinas, CA 93901
831.755.5066

Upon motion of Supervisor Salinas, seconded by Supervisor Parker, and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution No. 13-149 approving Amendment No. 1 (Formulaic Developer Fee) to the Implementation Agreement between the County of Monterey and the Fort Ord Reuse Authority.

PASSED AND ADOPTED on this 7th day of May 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas and Parker
NOES: None
ABSENT: Supervisor Potter

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on May 7, 2013.

Dated: May 9, 2013
File Number: 13-0421

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By 
Deputy

Before the Board of Supervisors in and for the County of Monterey, State of California

Resolution No. 13-149

- a. Approving Amendment No. 1 to the Implementation Agreement between the County of Monterey and the Fort Ord Reuse Authority; and
b. Authorizing the Chair of the Board of Supervisors to execute the Amendment on behalf of the County of Monterey.....

RECITALS

WHEREAS, since the preparation of the FY 2011-12 Capital Improvement Program (CIP) in the Spring of 2011, FORA has been reviewing how the FORA development impact fee is calculated, with the intent of refining and improving the process for determination of the appropriate fee levels to meet FORA obligations funded by this impact fee; and

WHEREAS, the process of reviewing included the hiring of a consultant (EPS) to advise on this determination and there have been numerous meetings of FORA administrative committee, executive committee, and the FORA Board regarding this fee review; and

WHEREAS, the result of the consultant's review led initially to a reduction in the fee levels approved by the FORA Board starting in FY 2011-12, and then to the recommendation of a formulaic approach to the determination of the fee; and

WHEREAS, to codify this approval, the FORA Board, upon the recommendation of the Administrative Committee and Executive Committee, approved a resolution adopting an amendment to the current Implementation Agreement with each jurisdiction. An important component of the proposed amendment is the sharing of 10% of the property tax received by FORA from all new assessed value generated within the member jurisdiction. This sharing would begin July 1, 2012; and

WHEREAS, on August 29, 2012, the FORA Board of Directors adopted Resolution 12-5 to implement Amendment No. 1 to the Implementation Agreement (formulaic approach to developer fees); and

WHEREAS, a significant amount of information relating to this CIP review and formulaic approach to the impact fee, including questions and answers, is provided in the FORA Board reports; and

WHEREAS, FORA staff requested that each jurisdiction adopt the Amendment No. 1 to the Implementation Agreement as soon as possible to complete the approvals required to implement this formulaic approach to the development impact fee and ensure passage of the FORA extension legislation; and

WHEREAS, without the approval of the Amendment No. 1, or without FORA extension, the County of Monterey would not receive the 10% share of the property tax due; and

WHEREAS, on January 11, 2013, the FORA Board of Directors adopted Resolution 13-2 adding clarifying language to previously adopted Resolution 12-5 under sections 1.2.1 and 2.1.2 (adopted August 29, 2012) and authorized the Executive Director to execute Amendment No. 1

to the jurisdictions' Implementation Agreements with language intended to clarify that the FORA Board can add new projects to be funded by sources other than the FORA Development Fee and Community Facilities District special tax, and to clarify that FORA may modify its CIP in the future, and has the right to modify the FORA Development Fee and Community Facilities District special tax to fund such changes, provided this is done under the existing provisions of the CFD and State law; and

WHEREAS, on February 22, 2013, the FORA Board of Directors rescinded Resolution 13-2, adopted January 11, 2013, and authorized the Executive Director to reinstate the original formulaic approach language in Resolution 12-5, adopted on August 29, 2012; and

WHEREAS, on March 25, 2013, the Board of Supervisors Fort Ord Committee directed staff to prepare a Board Resolution approving Amendment No. 1 (Formulaic Developer Fee) to the Implementation Agreement between the County of Monterey and the Fort Ord Reuse Authority;
NOW, THEREFORE,

DECISION

BE IT RESOLVED, by the Board of Supervisors in and for the County of Monterey as follows:

- a. Amendment No. 1 to the Implementation Agreement between the County of Monterey and the Fort Ord Reuse Authority (FORA), attached hereto and incorporated herein by reference, is hereby approved; and
- b. The Chair of the Board of Supervisors is authorized to execute the Amendment No. 1 on behalf of the County.

PASSED AND ADOPTED upon motion of Supervisor Salinas seconded by Supervisor Parker and carried this 7th day of May 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas and Parker

NOES: None

ABSENT: Supervisor Potter

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on May 7, 2013.

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