

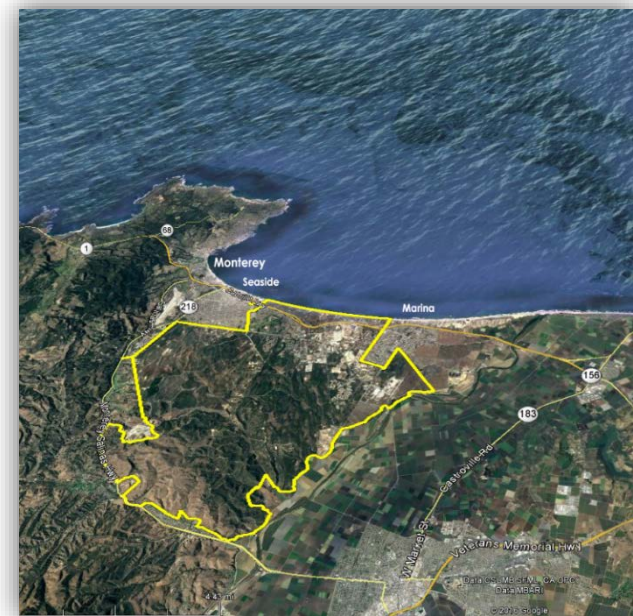
Transition Plan Update

Presentation to FORA BOARD

February 9, 2018

*Steve Endsley, Assistant Executive Officer
Sheri Damon, Prevailing Wage/Risk Coordinator*

- Transition Ad Hoc Committee
 - Charge and Members
- Transition Update
 - Schedule
 - Summary Charts
 - Administrative
 - Environmental Services
- What's New
 - SB50 and Transition Impacts



Transition Ad Hoc Committee

The Fort Ord Reuse Authority's (FORA's) legislative/State Law terminus is June 30, 2020. The TAC is a limited term *ad hoc committee*, formed to review a staff-generated comparative analysis for future FORA Board review. The analysis will contrast FORA Act continuation (including potential modifications) with FORA Act sunset and assignment of liabilities/obligations and resources/revenues to multiple successor agencies. The analysis will include:

- 1) Modifications to the existing FORA Act to address:
 - a. Governance/Membership/Voting.
- 2) Extension date.
 - a. Enforcement powers (prevailing wage, Base Reuse Plan, policies, etc.).
 - b. Affordable housing.
- 3) Multiple successor assignments with completion deadlines in a transition plan (by chapter) format for both tangible and intangible obligations.
 - a. Joint and several liability assignment.
 - b. Individualized/jurisdiction assignments and completion date.
 - c. Outstanding obligation and asset prioritization.
 - d. Enforcement of Basewide Costs and Mitigation Measures.

The TAC input is ongoing through June 1, 2018. The Committee Chair shall coordinate with staff on monthly progress reports to the Board.

Transition Ad Hoc Committee

Andre Lewis, Chair CSU Monterey Bay	Councilmember Alan Haffa City of Monterey
Councilmember Gail Morton City of Marina	Mayor Jerry Edelen City of Del Rey Oaks
Mayor Ralph Rubio City of Seaside	Supervisor Mary Adams County of Monterey
Councilmember Cynthia Garfield City of Pacific Grove	Director Debbie Hale Transportation Agency of Monterey County

- Transition Plan Summary/Charts (Board)
 - Subject matter Summaries JAN-MARCH
 - **DRAFT FINAL PLAN TO BOARD** AUGUST-SEPT.
 - Meet w/ Transition Ad Hoc Committee FEBRUARY-JUNE
 - Side by Side Comparison to Board JUNE-JULY

- Consult/Collaborate with LAFCO staff
 - Water/Wastewater, Financial/Assets
 - Administration/ESCA
 - Habitat Conservation Plan/Transportation
 - **“Final” Transition Plan**
 - LAFCO Application

FEBRUARY

MARCH

APRIL

OCTOBER

Summary Charts

Contract	Year	Asset/Liability Pledge/Obligation	DATE COMPLETION	Multi-Agency	Multi-Agency Notes
CalPERS Contract	1997	Liability		<u>All voting members</u>	*FORA has set aside approximately \$7M in assets to address terminated agency unfunded Liability
CalPERS Contract Amendment 1	1999	Liability		<u>All voting members</u>	*FORA has set aside approximately \$7M in assets to address terminated agency unfunded Liability
CalPERS Contract Amendment 2	2003	Liability		<u>All voting members</u>	*FORA has set aside approximately \$7M in assets to address terminated agency unfunded Liability
LAFCO Indemnification Agreement	2018	Liability		<u>All voting members</u>	May require a substantial contribution should LAFCO be sued on transition plan
General Umbrella Policy	2018			All Members*	May want to extend policy to provide coverage during any possible Statute of limitations time period
Commercial Property/Premises Liability				All Members*	May want to extend policy to provide coverage during any possible Statute of limitation time period
Worker's Compensation Policy				All Members*	May want to extend policy to provide coverage during any possible Statute of limitation time period
Director's Liability Policy				All Members*	May want to extend policy to provide coverage during any possible Statute of limitation time period
Crime Bond Policy	2006		Ongoing	All Members*	May want to extend policy to provide coverage during any possible Statute of limitation time period

Summary Charts

Contract	Year	Asset/Liability Pledge/Obligation	DATE COMPLETION	Multi-Agency	Multi-Agency Notes
FORA-City of Monterey ESCA Property Management MOA	2007	Asset/Obligation	Dependent upon Property transfer	<u>N/A</u>	
Pollution Legal Liability Insurance (PLL) - ESCA Insurance Policy Coverages A, B & C	2007	Asset			1. Requires Written Consent to successor
FORA-County ESCA Property Management MOA	2007	Asset/Obligation	Dependent upon Property transfer		
FORA-CSUMB ESCA Property Management MOA	2007	Asset/Obligation	Dependent upon Property transfer		
FORA-DRO ESCA Property Management MOA	2007	Asset/Obligation	Dependent upon Property transfer		
FORA-MPC ESCA Property Management MOA	2008	Asset/Obligation	Dependent upon Property transfer		
FORA-Seaside ESCA Property Management MOA	2007	Asset/Obligation	Dependent upon Property transfer		
ESCA Cooperative Agreement Award (End date amended 2017)	2007	Asset/Liability	2037	County***	
ESCA Cooperative Agreement Award-Amendment 1	2017	Asset/Liability	2028	County***	
FORA-LFR Fort Ord Remediation Services Agreement	2007	Asset/Liability	?2019/2020?	County***	Assignable
US EPA-Army-State of CA Federal Facility Agreement	1990	Obligation/Liability		County	
US EPA Administrative Order on Consent	2007	Liability/Obligation		County/Seaside/Monterey/ Del Rey Oaks/Marina CSU/UC/MPC/MCWD	Requires 120-notice Fin./Tech/Expertise Approval by EPA/DTSC
Pollution Legal Liability Insurance (PLL) CHUBB	2015	Asset/Liability/Obligation			Requires consent
MOU Regarding Development of the Central Coast Veterans Cemetery	2009	Liability/Obligation		County/Seaside	
Remedial Design/Remedial Action, Land Use Controls Implementation, Operations and Maintenance Plan, Parker Flats MRA Phase 1*	2009	Liability/Obligation	No End Date	County of Monterey	
G1 Land Use Covenant Implementation Plan and Operations Maintenance Plan (LUCIP/OMP)	2018**	Obligation	No End Date	Enforcement by Successor	
G2 LUCIP/OMP	2018**	Obligation	No End Date	Enforcement by Successor	
G3 LUCIP/OMP	2018**	Obligation	No End Date	Enforcement by Successor	
G4 LUCIP/OMP	2018**	Obligation	No End Date	Enforcement by Successor	
IAR LUCIP/OMP	2018**	Obligation	No End Date	Enforcement by Successor	
MOA Jurisdictions and DTSC Concerning Monitoring and Reporting on Environmental Restrictions on the Former Fort Ord	2008	Liability/Obligation	No End Date	County/Seaside/Monterey/Del Rey Oaks/Marina, CSUMB/UC/MPC	
Notes:					
* Agreement will be replaced with new LUCIP Agreement/Restriction					
** LUCIP/OMP agreements are expected to be finalized in 2018					

Senate Bill SB 50 approved October 6, 2017

Lands transferred from Federal Government to any entity void ab initio unless State Lands Commission has been offered first right of refusal and have issued a certificate of compliance

Amends Government Code section 6223 and 27338 imposing penalties and fines for recording documents without the certificate of compliance

