

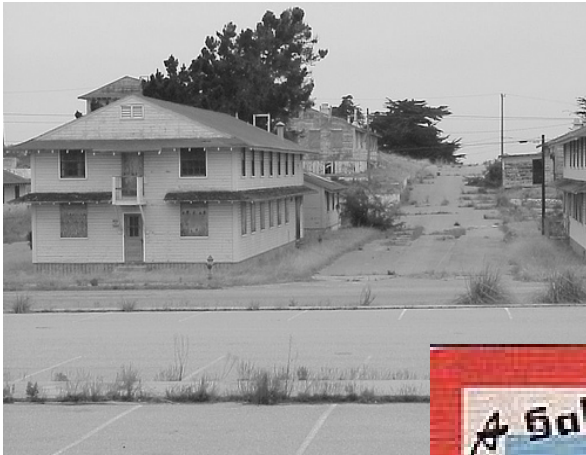
Transition Plan

Presentation to FORA BOARD

October 29, 2018

Sheri Damon, Prevailing Wage/Risk Coordinator

FORA History/Executive Summary



- Background
- What's "New"?
- Revised Transition Plan Resolution
- Key Issues



- Create single entity successor (JPA)
- *Seek extension of CFD/powers for successor*
- Utilize Implementation Agreement/Percentage assignment for jurisdiction's fair and equitable contribution to successor to complete FORA program

Transition Plan History 2018

- **January 2018**
 - Compiled and Presented Subject Matter Contracts
- **February 2018**
 - Compiled and Presented Subject Matter Contracts
- **March 2018**
 - Compiled and Presented Subject Matter Contracts
- **April 2018**
 - Compiled and Presented Subject Matter Contracts
 - Transition Ad Hoc Committee Meetings
- **May 2018**
 - Compiled and Presented Subject Matter Contracts
 - Transition Ad Hoc Committee Meetings
- **June 5, 2018**
 - Compiled Draft Plan Document and Policy issues



Transition Plan History 2018

- **July 13, 2018**
 - Board Presentation and Revised Contract Assignments
- **August 13, 2018**
 - Draft Resolution
 - Multiple Meetings
- **September 28, 2018**
 - Revised Draft Transition Plan Resolution
 - Multiple meetings
- **October 12, 2018**
 - Revised Draft Transition Plan Resolution
- **October 17, 2018**
 - Administrative Committee
 - City/County Attorney conferencing
- **October 19, 2018**
 - Staff Report and Revised Draft Transition Plan Resolution
- **October 29, 2018**
 - Staff Report and Revised Draft Transition Plan Resolution



Recent Meetings

- Monterey County
 - Staff and Attorney
- Administrative Committee
- Attorney(s) Meeting



1. Consider Approval of Draft Resolution without prejudice to make later revisions.
2. Find that the approval is not a project and is exempt from CEQA as a mere organizational change



Transition Plan Request

- Transmit to Local Area Formation Commission (“LAFCO”) by December 2018.
- Authorize the Executive Officer to execute a LAFCO Indemnification Agreement.
- Retain Facilitator to assist in Transition Plan Implementing Agreements
- Progress report in January 2019 and quarterly thereafter with information updates

- Facts and Circumstances
- Section 1: Preliminary Findings and Determinations
- Section 2: Assignment of Assets, Liabilities and Obligations
- Section 3: Insurance
- Section 4: Implementation Agreements and Transition Plan Implementing Agreements



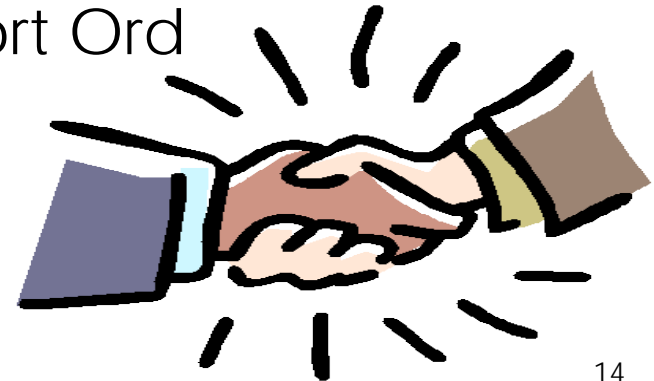
Section 1: Findings-Determinations

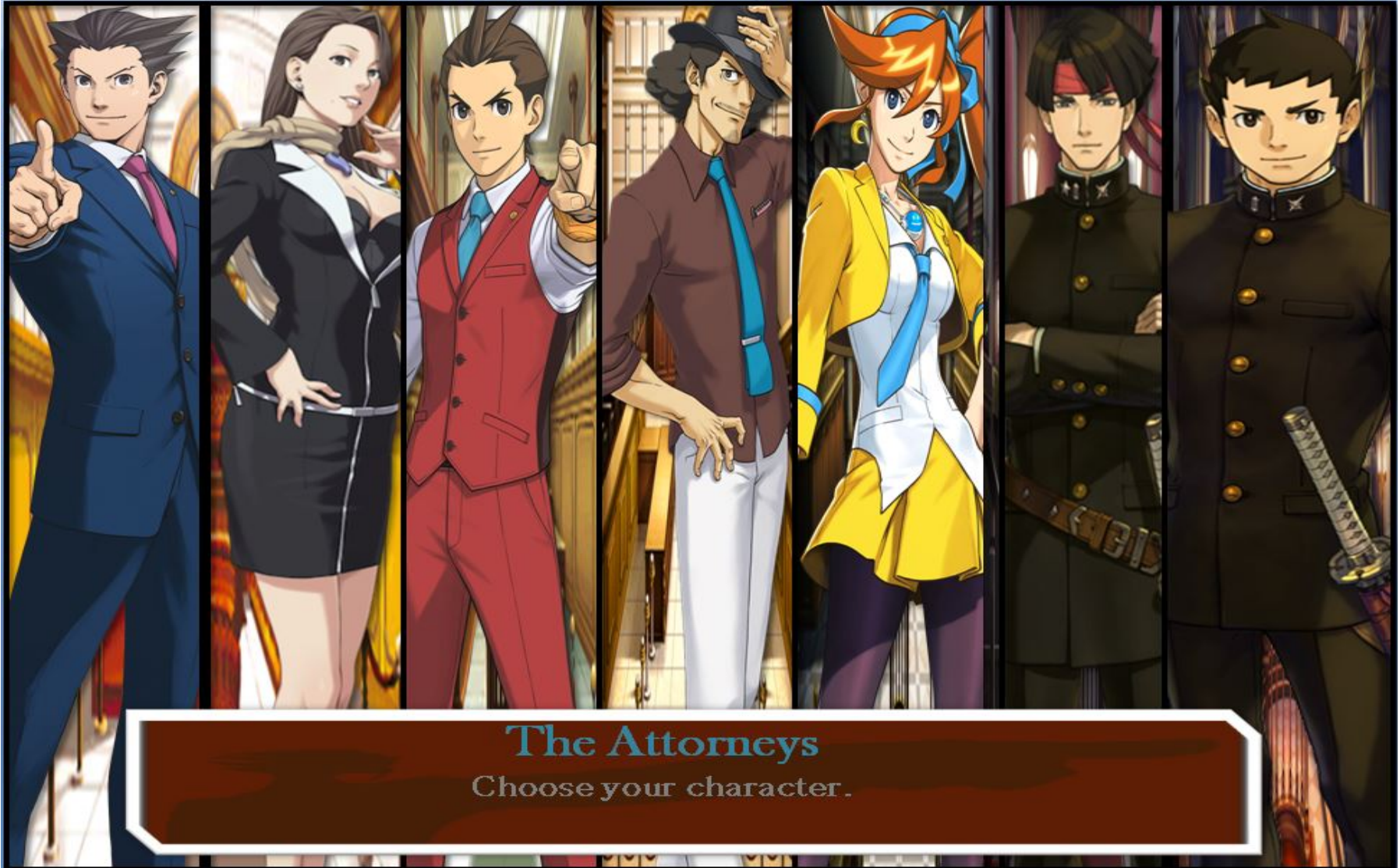
- Base-wide Costs and Base-wide Mitigation Measures
- California Environmental Quality Act
- Revenue Sharing and Financial Contribution
- Reuse Plan and Master Resolution
- Funding of Habitat Protection
- Environmental Services Cooperative Agreement
- Building Removal
- Transportation and Transit
- Water and Wastewater

- 2.1 Assets and Disposition Thereof
 - NEW: Administrative Liabilities Fully Paid
 - NEW: Transition Plan Implementing Agreement as Condition Precedent to receipt of FORA Funds
 - NEW: Real Property Transfers
 - 2.2 Liabilities and Obligations and Assignment Thereof
 - 3.0 Insurance (NEW)
 - 4.0 Implementation Agreements and Transition Plan Implementing Agreements
 - Glossary (NEW)
- Exhibit A: Contract Assignments Matrix
- Exhibit B: Reference Documents Links (NEW)

- Changes funding on CalPERS
 - **Eliminates liability for all members by encumbering property tax revenues over a five year period**
- Requires Transition Plan Implementing Agreements
 - **To receive FORA Funds**
- Property Transfers
- Insurance Policy Section
- Board modification provisions; Quarterly updates
- Glossary
- New Exhibit B Reference Documents
- Numbered Contracts for Easier reference

1. Background and Definitions
2. How Jurisdiction will Implement Transition Plan Assignments (E.G. Revenue Generation, Revenue Sharing, Offsets and contractual reimbursement agreements; jurisdiction's schedule for formation and completion of other entities/Agreements and schedule for any assigned projects).
3. How the jurisdiction intends to comply with enforcement of policies for Fort Ord Developments





The Attorneys
Choose your character.

- LAFCO/FORA Jurisdiction and Powers
- Survival
 - BRP/Master Resolution/
CIP/Implementation Agreements
- CEQA



(b)(1) The Monterey County Local Agency Formation Commission **shall provide for the orderly dissolution of the authority** including ensuring that all contracts, agreements, and pledges to pay or repay money entered into by the authority are honored and properly administered, and that all assets of the authority are appropriately transferred.

(b)(2) The board shall approve and submit a transition plan ...The **transition plan shall assign assets and liabilities, designate responsible successor agencies, and provide a schedule of remaining obligations...**The transition plan shall be approved **only by a majority vote** of the board.

DUE: To LAFCO December 2018

- The Transition Plan Resolution asserts FORA Board exercises assignment power through the FORA Act legislation
- Calls for implementation of the Transition Plan occurs through Transition Plan Implementing Agreements (TPIA), but is structured that if no TPIA, then assigns and requests LAFCO to ensure assignments as though they were conditions of dissolution.

- Base Reuse Plan
- Master Resolution Policies
- Capital Improvement Program
- Implementation Agreements

Transition Plan Approach

- Acknowledges Base Reuse Plan policies have already been incorporated in the land use Jurisdiction General Plans (Where consistency already found)
- Records Master Resolution for Notice only (Prevailing Wage Notification)
- Continues to utilize Implementation Agreements (and assignment), unless a Transition Plan Implementing Agreement so modifies
- Requests projects in Capital Improvement Program

- Clarifies that FORA is simply approving a plan for **Reorganization**.
- It relies upon Jurisdictional commitments in the Implementation Agreements for funding Base-wide Mitigations
- Relies upon projects in jurisdiction's Capital Improvement Programs
- Calls for Jurisdictions who take action not to implement projects to perform required environmental review
- Provides opportunities for regional Transition Plan Implementing Agreements and Amendment of Transition Plan

Resolution of Key Issues

- Regional Agreements
- Litigation
 - Declaratory Relief and/or
 - Breach of Contract and/or ?
- Legislation



Section 67700: End Date and for **what purpose:**

E.G. (Transition Plan Implementation period up to 10 years or until Transition Plan has been implemented)

E.G. (Change end date/Clarify FORA Board's power to determine and assign its assets/liabilities/obligations on all member and ex-officio members and LAFCO's enforcement powers.)

Section 67660: Board membership – underlying land use jurisdictions only and/or all and/or add CSUMB; Reduce members but include voting weight; contractual exit

Section 67688: Conduct of Business. Unanimous vote clarification. All action by single majority vote.

Section 67684: Policy Enforcement Nature and extent of FORA Policy Enforcement (prevailing wage, affordable housing, jobs/housing balance, etc.)

Please send Transition Plan questions and comments to:

planning@fora.org

Timeline

- Board approves Transition Plan Resolution
- October 2018-March 2019 Transition Plan Implementation Agreement negotiation and execution period
- December 2018 submit Transition Plan and any Transition Plan Implementing Agreements to LAFCO
- March 2019 Evaluation of next steps given TPIA status/Jurisdiction/unresolved Issues/additional information

Discussion

