

Fort Ord Reuse Authority 2010 Legislative Agenda

Work Program

(approved on November 13, 2009)

The 2010 Fort Ord Reuse Authority (“FORA”) Legislative Agenda offers legislative, regulatory, policy, or resource allocation support actions to improve and/or enhance former Fort Ord reuse and provide state and federal funding to FORA or FORA member entities, benefiting former Fort Ord redevelopment. The Legislative Agenda focuses on federal and state legislation, property transfer and reuse, environmental remediation, habitat management, and infrastructure and mitigation funding. The order of these items herein is not an indication of their priority. All items are considered “priority” issues in achieving FORA’s objectives.

A. Seek federal National Landscape Conservation System (“NLCS”) designation for the former Fort Ord Bureau of Land Management (“BLM”) Natural Resource Management Area. The NLCS has four categories of federally designated areas; 1) National Monuments, National Conservation Areas (“NCA”) and similar designations; 2) Wilderness; 3) Wild and Scenic Rivers; and 4) National Trails.

ISSUE: Habitat Conservation Plan (“HCP”) approval and implementation are essential to former Fort Ord redevelopment. Obtaining an NLCS designation for BLM’s former Fort Ord property would support HCP implementation through national recognition of the property’s unique ecological and recreational resources.

- **Benefits:** Brings national attention to the unique flora, fauna and recreational resources found on current and future former Fort Ord BLM property. Supports Fort Ord Habitat Management Plan and HCP preservation. Since availability of public and private grant funding fluctuates, having an appropriate national designation emphasizes the national significance of BLM’s former Fort Ord property to potential donors and other funding sources. By advocating NLCS designation that affords national recognition, FORA supports the BLM mission and former Fort Ord recreation and tourism, helping BLM become more competitive for resources.
- **Challenges:** Each year, the local BLM office competes nationally to receive public and private grants and federal appropriations that support its mission. Some designation efforts may add unknown restrictions.
- **Proposed Position:** Support/introduce/sponsor legislation to obtain NLCS/NCA designation (or other appropriate national designation) for BLM’s former Fort Ord property. Assure that designation efforts do not add restrictions that will interfere with reuse programs or HCP implementation.

B. Continue/enhance coordination with the 17th Congressional District, the 15th and 12th State Senate Districts, and the 27th and 28th State Assembly Districts to secure HCP approval.

ISSUE: HCP approval remains critical to former Fort Ord redevelopment. Alternatives to a basewide HCP are costly and time consuming and do not effectively serve the goal of managing or protecting endangered species.

- **Benefits:** HCP approval is essential to protecting habitat and effectively developing jobs and housing for the region.

- **Challenges:** Processing the HCP during the past ten years has been frustrating and costly. Insufficient agency resources and overlapping regulatory barriers have thwarted the HCP process at many points.
- **Proposed Position:** Support legislative and regulatory coordination, state and federal resources, and strong advocacy to enable speedy reviews and processing – insisting on continued vigilance and cooperation among the regulatory agencies.

C. Work with the County of Monterey to assist Monterey Peninsula College (“MPC”) to obtain capital and program funding for the former Fort Ord Public Safety Officer Training Program at the MOUT (Military Operations on Urban Terrain) and Parker Flats.

ISSUE: FORA and the County have agreed to assist MPC in securing funds for this program.

- **Benefits:** The Public Safety Officer Training Program is an important component of MPC’s Fort Ord reuse efforts, and will enhance public safety training at the regional and state levels. Adequate funding is critical.
- **Challenges:** Funds available through the Office of Homeland Security, the Office of Emergency Services, or other sources may be restricted.
- **Proposed Position:** Pursue legislative or other actions to support MPC efforts to secure funding sources.

D. Assist with plans to develop, design and construct the Central Coast Veterans Cemetery to be located on the former Fort Ord and support an increase in the federal allotment that will cover burial/interment.

ISSUE: Burial space for California Central Coast veterans is inadequate. Former Fort Ord is not only centrally located in the state but has land already designated for a new veterans’ cemetery. Recent legislation has offered an approach to move ahead with development by providing a mechanism for funding future operations. Further, funding for individual veteran interments is insufficient to cover cemetery operations expenses.

- **Benefits:** This cemetery would provide additional burial space for the region’s approximately 50,000 veterans. An increase in the interment benefit would decrease the demand for endowment fund support of the cemetery operations.
- **Challenges:** Although the Federal government will reimburse the entire cost to construct the cemetery, the State of California must apply for inclusion in the State Veterans Cemetery program before awarding the construction agreement. Until recent legislation, the State of California has been reticent to make application. The annual cost of operating and maintaining the cemetery (estimated at \$200,000 per year) must have a guaranteed payer in the form of trust account deposits.
- **Proposed Position:**
 - Support implementation, budget actions and funding options to design, build and operate the Central Coast Veterans Cemetery;
 - Support efforts to sustain priority standing for the Central Coast Veterans Cemetery with the CA Department of Veterans Affairs.
 - Support an increase in the U.S. Veterans/Administration burial reimbursement.

E. Work with the Monterey County Water Resources Agency (“MCWRA”), the Monterey Regional Water Pollution Control Agency (“MRWPCA”), the Marina Coast Water District (“MCWD”) and others to secure State bond funds and Federal funding to augment FORA’s water supply capital needs.

ISSUE: The FORA Capital Improvement Program requires \$40-42,000,000 to fund the Water Augmentation Program for the necessary Base Reuse Plan supplemental water needs

for complete build-out. Securing funds to assist this requirement, now dependent solely on funding from the FORA Community Facilities District development fees, could help the timely implementation of the recycled water and desalination water facilities.

- **Benefits:** Redevelopment, as permitted under the Base Reuse Plan, can occur as long as financing and installation of the augmenting water facilities proceed. Additional grant funding could reduce acre-feet per year costs of securing water resources for the jurisdictions and reduce the hefty capital charges that may otherwise be required.
- **Challenges:** Competing water projects throughout the Region and State for scarce proceeds. No current federal program exists for this funding.
- **Proposed Position:** Support and coordinate efforts with MCWD, MCWRA, MRWPCA, other agencies and FORA jurisdictions for securing funding and/or to endorse the use of other fund mechanisms proposed for this purpose.

F. Secure state legislation that would enable FORA jurisdictions to provide direct financial assistance to former Fort Ord commercial projects.

ISSUE: Current redevelopment law, adopted after the Authority Act, prohibits redevelopment authorities from providing direct tax increment financial aid to sales tax generating commercial projects on certain undeveloped parcels. The California State Assembly and Senate Committees on Local Government held a joint hearing on this subject in September 2009.

- **Benefits:** The ability to assist commercial development will accelerate several Fort Ord properties and provide FORA members with a greater degree of control over the nature and quality of commercial projects. Accelerating commercial development helps generate tax increment funds to support the development rate of affordable housing and infrastructure.
- **Challenges:** Opposition by some to any change in redevelopment law because there is a perception that the change will benefit only a few. Additionally, there is concern that this adjustment/provision may foster leapfrog development or be used to divert sales tax revenue from others.
- **Proposed Position:** Exempting former Fort Ord properties from the prohibition from direct tax increment assistance to commercial parcels or otherwise adjusting the Health and Safety Code to allow direct tax increment assistance to parcels designated for commercial development within the Fort Ord Reuse Plan.

G. Work with the Transportation Agency for Monterey County (“TAMC”) to secure transportation funds.

ISSUE: The FORA Capital Improvement Program requires mitigations of more than \$125,000,000 for transportation infrastructure on and proximate to the former Fort Ord. Some of this funding requires a local, or other, match from the appropriate regional or state transportation body to bring individual projects to completion.

- **Benefits:** The timely installation of required on-site, off-site and regional roadway improvements supports accommodating development impacts and maintaining and improving levels of service vital to the regional economy.
- **Challenges:** Applying scarce transportation funds to the appropriate projects to optimize transportation system network enhancements.
- **Proposed Position:** Support and coordinate with TAMC for state infrastructure bonds, federal authorization or other grant/loan resources.

H. Work with the State Assembly Districts and the State Legislature in support of California State University's ("CSU's") requests for campus impact mitigation funds for the CSU Monterey Bay ("CSUMB") campus. Coordinate with CSUMB on requests for building removal and contaminant waste abatement on the former Fort Ord.

- ISSUE:**
- a) In July 2006, the State of California Supreme Court ruled that CSU had responsibility to mitigate off-campus impacts resulting from development and growth of its CSUMB campus. CSU, in order to fund its obligations as required by the Supreme Court, is requesting funds from the State Legislature.
 - b) Contaminated building removal is a significant expense to CSUMB (\$26 million) and other former Fort Ord land use entities (\$43 million). A coordinated effort will be more likely to achieve funding success to address the \$68 million total need.
 - **Benefits:** Supporting state budget approval for CSU's funding request to mitigate off-campus impacts will address the past and current void of CSU fair share contributions or otherwise meeting such impacts. Similarly, a coordinated effort to secure asbestos/lead abatement building removal support will help all levels of the regional reuse program.
 - **Challenges:** The competition for funds requested of the Legislature by CSU system-wide will be keen, with CSUMB, being only one campus of the 23-campus system, many of which will require their own mitigation funding.
 - **Proposed Position:** Support state budget earmarks requested by CSU for the CSUMB campus as a funding priority for off-campus impacts and for coordinated building removal.

I. Coordinate efforts with other Monterey Bay legislative issues.

- ISSUE:** Monterey-Salinas Transit, Transportation Agency for Monterey County and the County of Monterey have adopted legislative programs, some will have Fort Ord reuse impacts.
- **Benefits:** Collaborative efforts for funding by agencies involved in the same or interdependent projects will increase the chances to obtain critical funding and also be enhanced by partnering matching funds.
 - **Challenges:** State and federal funding is limited during and competition for available funds will be keen.
 - **Proposed Position:** Coordinate and support other legislative programs in the Monterey Bay area when they interface with former Fort Ord reuse programs.