



FORT ORD REUSE AUTHORITY

REGULAR MEETING

FORT ORD REUSE AUTHORITY (FORA) ADMINISTRATIVE COMMITTEE

Wednesday, September 4, 2019 at 8:30 a.m.

920 2nd Avenue, Suite A, Marina, CA 93933 (FORA Conference Room)

AGENDA

1. CALL TO ORDER/ESTABLISHMENT OF QUORUM

2. PLEDGE OF ALLEGIANCE

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

4. PUBLIC COMMENT PERIOD

Members of the public wishing to address the Committee on matters within its jurisdiction, but not on this agenda, may do so for up to 3 minutes and will not receive Committee action. Whenever possible, written correspondence should be submitted to the Committee in advance of the meeting, to provide adequate time for its consideration.

5. APPROVAL OF MEETING MINUTES

ACTION

- a. August 15, 2019 Special Meeting Minutes

6. BUSINESS ITEMS

INFORMATION/ACTION

- a. Building Removal/Financing Preparatory Work
- b. 2018 Transition Plan: Transportation Study
- c. 2018 Transition Plan: Implementing Agreements Progress Report

7. SEPTEMBER 13, 2019 DRAFT BOARD MEETING AGENDA REVIEW

- a. Consider rescheduling September 13, 2019 Board Meeting to accommodate action items.
- b. Consider setting a bond program/transition study Board workshop.

8. ITEMS FROM MEMBERS

INFORMATION

Receive communication from Committee members as it pertains to future agenda items.

9. ADJOURNMENT

NEXT MEETING: Wednesday, September 18, 2019 at 8:30 a.m.



FORT ORD REUSE AUTHORITY
ADMINISTRATIVE COMMITTEE SPECIAL MEETING MINUTES
8:30 a.m., Thursday August 15, 2019 | FORA Conference Room
920nd Avenue, Suite A, Marina, CA 93933

1. CALL TO ORDER

Chair Michael A. Houlemard, Jr. called the meeting to order at 8:30 a.m.

The following members were present:

Jonathan Brinkmann (LAFCO)	Dino Pick* (City of Del Rey Oaks)
Matt Morgensen* (City of Marina)	Melanie Beretti* (County of Monterey)
Patrick Breen (MCWD)	Craig Malin* (City of Seaside)
Hans Uslar* (City of Monterey)	Vicki Nakamura (MPC)
Debbie Hale (TAMC)	Matthew McCluney (MPC)
Nicole Hollingsworth (17 th State Senate District)	*Voting member

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Deputy Chief David Sargenti.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

- Executive Officer Michael A. Houlemard, Jr. reported that no action was taken on Senate Bill (“SB”) 189 during the Senate Committee Meeting on August 14, 2019. A Waiver of Presentation was issued and the Bill is expected to be brought to the Senate floor in 2-3 weeks.
- NHA Advisors Principal Mark Northcross stated that on August 13, 2019 he and Regional Government Services Consultant Kendal Flint gave a presentation to the City of Del Rey Oaks City Council regarding the Transition Plan Implementing Agreements, Building Removal Bonds and SB 189.

4. PUBLIC COMMENT PERIOD

Members of the public wishing to address the Administrative Committee on matters within its jurisdiction, but not on this agenda, may do so for up to 3 minutes.

There were no public comments received.

5. APPROVAL OF MEETING MINUTES

ACTION

a. July 31, 2019 Meeting Minutes

MOTION: On motion by Committee member Uslar second by Committee member Malin and carried by the following unanimous vote, the Administrative Committee moved to approve the July 31, 2019 regular meeting minutes.

MOTION PASSED UNANIMOUSLY

6. AUGUST 9, 2019 BOARD MEETING FOLLOW UP

INFORMATION

Mr. Houlemard reported that the Board heard the Committee's recommendation to move forward with Bond Acquisition for building removal. He advised the Committee that the Board voted 10-2 in favor and a 2nd vote is required. Additionally, the Board directed the Committee to resolve any outstanding revenue loss issues with the Monterey County Regional Fire District.

This item was for information only.

7. BUSINESS ITEMS

INFORMATION/ACTION

a. Building Removal/Financing Preparatory Work

Mr. Houlemard introduced the item, and Project Manager Peter Said summarized the presentation he gave to the Board at the August 9, 2019 Board meeting. He stated that the overall response was a positive one. Mr. Said noted that the Board had questions regarding FORA statute and how the funds will be distributed amongst the various jurisdictions. NHA Advisors have been working closely with FORA to ensure that the bond continues to move forward by conducting preliminary legal and quantitative analyses. The bond allocation information provided to the Board does not reflect final allocations and it will ultimately be up to the Board and the Administrative Committee to determine a final Bond Agreement.

1. Tax Exemption Allocations

Mr. Northcross introduced Brian Forbath and Vanessa Legbandt of Straddling, Yocca, Carlson & Rauth as bond counsel. Mr. Forbath began by addressing the preliminary questions of the Board and Committee regarding FORA bonding provisions under state law, specifically related to the Marks-Roos Local Bond Pooling Act ("Marks-Roos Act"), which gives FORA the authority to issue revenue bonds. Mr. Forbath proposed a plan under the Marks-Roos Act that would allow FORA to obtain pledges of received tax increment revenue from its various project areas and pledge those revenues to bonds. A special public hearing would be required to establish significant public benefit and Mr. Forbath stated that he is confident in obtaining a legal standard bond counsel opinion to support the validity of bond.

Mr. Forbath addressed concerns regarding the statute as it relates to the payments FORA would receive following dissolution. Options: Statutory pass-through as currently being used or on a Recognized Obligation Payment Schedule (ROBS) as enforced by the county—whichever method is most attractive to investors. Mr. Houlemard suggested that the plan be presented to the Board as having one clear path moving forward with dual approach. It was determined that there was now sufficient information to take to the Board in support of a 2nd Vote.

2. Prioritization Criteria

Mr. Said reported that the Board approved the fiscal study required for bond completion and a fiscal consultant report is in progress. He advised that there are three components the Committee must address: 1) determining tax exemption guidelines; 2) developing a prioritization method for fund allocation; 3) determining terms and conditions, specifically pertaining to the amendment of the bond agreement post-FORA. Mr. Said provided a Building Removal (Bond Program) Area Map. The map identified the areas being considered for building removal, detailing the square footage, governing entity, projected percentage of tax exemption and estimated building removal cost for each site. The estimated total cost of building removal for the 13 proposed areas comes to \$55,230,000. Mr. Said initially estimated that 75% of the bond could be considered taxable and requested the Committee member's direction on the tax status of each parcel. The Committee compared the benefits and limitations of tax exempt/taxable status. Mr. Northcross noted that

there is a negligible financial gain between tax exempt and taxable designation and recommended that areas that may require flexibility of use operate under taxable status.

Mr. Said further explained that estimated building removal costs, based on actual costs and known square footages, exceeded the \$37 million bond proceeds, therefore, FORA should adopt a set of criteria for building removal prioritization. The Building Removal (Bond Program) proposed a prioritization process similar to the previously approved evidenced-based prioritization process used for transportation projects. Mr. Houlemard determined from this discussion that the Committee must look into alternative means of prioritization in order to optimize efficiency of resource expenditures. He proposed amending the process to reflect Mr. Malin's approach of allocating funds to the County first, Public Agency partners second, and direct remaining funds to the Cities of Seaside and Marina. Mr. Houlemard reminded the Committee that these issues must be resolved within 60-90 days in order to ensure the maximum bond issuance.

b. 2018 Transition Plan: Transportation Study

Mr. Said gave a brief update regarding the scope of the study and anticipated the next steps in the plan. FORA consultant, Whitson Engineers, Traffic Consultant Kimley-Horn performed the study with a focus on how the existing network operates in relation to the network outside of FORA's jurisdiction, specifically Highway 218, Coe Avenue, Reservation Road and interior roads near East Garrison. The study also included an analysis of the 30-year Capital Improvement Program ("CIP") buildout without the connector road or Gigling Road improvements. Kimley-Horn also performed an analysis on the CIP buildout with three different connector road options: 1) Eucalyptus Road to 8th Avenue; 2) Eucalyptus Road to Inner Garrison Road; 3) Eucalyptus Road to Watkins Gate. The proposed connector options will be assessed to determine the impact of each proposed connector on traffic flow and the region in general. The draft study will be reviewed by Transportation Agency of Monterey County and presented to the Committee at the regular meeting on September 4, 2019. Mr. Said stated that the goal of this study is to provide the Committee with the information needed to make a recommendation to the Board as to Gigling Road and Northeast/Southwest Connector in the Last Year CIP at the September 4th meeting.

c. 2018 Transition Plan Implementing Agreements Progress Report

Mrs. Flint gave a brief report on an August 13, 2019 presentation to the City of Del Rey Oaks regarding Transition Plan Implementing Agreements ("TPIA"), Building Removal Bonds and SB 189. Mrs. Flint stated that she is currently working on a chart comprised of all the TPIAs, including the ESCA, Marina Coast Water District, and other ancillary agreements currently pending. FORA staff will meet with Mrs. Flint to create a schedule in relation to the development of a Joint Powers Authority and determine how it will interact with other entities.

8. ITEMS FROM MEMBERS

None.

9. ADJOURNMENT at: 9:55 a.m.

Minutes Prepared By:
Natalie Van Fleet
Administrative Assistant

- START -

**DRAFT
BOARD PACKET**



FORT ORD REUSE AUTHORITY

REGULAR MEETING

FORT ORD REUSE AUTHORITY (FORA) BOARD OF DIRECTORS

Friday, September 13, 2019 at 2:00 p.m. | 910 2nd Avenue, Marina, CA 93933 (Carpenters Union Hall)

AGENDA

ALL ARE ENCOURAGED TO SUBMIT QUESTIONS/CONCERNS BY NOON SEPTEMBER 12, 2019.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE *(If able, please stand)*

3. CLOSED SESSION

- a. Conference with Legal Counsel – Gov. Code §54956.9(a), (d)(1): Marina Community Partners, LLC v. Fort Ord Reuse Authority, Monterey County Superior Court Case No.: 18CV000871, Pending Litigation.
- b. Conference with Legal Counsel – One item of Potential Litigation, Gov. Code §54956.9(d).

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

5. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

6. ROLL CALL

FORA is governed by 13 voting members: (a) 1 member appointed by the City of Carmel; (b) 1 member appointed by the City of Del Rey Oaks; (c) 2 members appointed by the City of Marina; (d) 1 member appointed by Sand City; (e) 1 member appointed by the City of Monterey; (f) 1 member appointed by the City of Pacific Grove; (g) 1 member appointed by the City of Salinas; (h) 2 members appointed by the City of Seaside; and (i) 3 members appointed by Monterey County. The Board also includes 12 ex-officio non-voting members.

7. CONSENT AGENDA

INFORMATION/ACTION

CONSENT AGENDA consists of routine information or action items accompanied by staff recommendation. Information has been provided to the FORA Board on all Consent Agenda matters. The Consent Agenda items are normally approved by one motion unless a Board member or the public request discussion or a separate vote. Prior to a motion, any member of the public or the Board may ask a question or make comment about an agenda item and staff will provide a response. If discussion is requested, that item will be removed from the Consent Agenda and be considered separately at the end of the Consent Agenda.

- a. Approve Aug 9, 2019 Meeting Minutes
Recommendation: Approve Aug 9, 2019 meeting minutes.
- b. Approve Aug 15, 2019 Special Meeting Minutes
Recommendation: Approve Aug 15, 2019 special meeting minutes.
- c. Administrative Committee
Recommendation: Receive a report from the Administrative Committee.
- d. Veterans Issues Advisory Committee
Recommendation: Receive a report from the Veterans Issues Advisory Committee.
- e. Public Correspondence to the Board
Recommendation: Receive Public Correspondence to the Board.

8. BUSINESS ITEMS

INFORMATION/ACTION

*BUSINESS ITEMS are for Board discussion, debate, direction to staff, and/or action. Comments from the public are **not to exceed 3 minutes** or as otherwise determined by the Chair.*

- a. Economic Development Quarterly Report
Recommendation: Receive an Economic Development (“ED”) Report.
- b. Building Removal Bonds
Recommendation:
 - i. Bond Document Approval
- c. 2018 Transition Plan and Implementing Agreements Progress Report
Recommendation: Receive a Fort Ord Reuse Authority (“FORA”) 2018 Transition Plan Implementing Agreement Progress Report.

9. PUBLIC COMMENT PERIOD

INFORMATION

*Members of the public wishing to address the Board on matters within its jurisdiction, but **not on this agenda**, may do so for up to 3 minutes or as otherwise determined by the Chair and will not receive Board action. Whenever possible, written correspondence should be submitted to the Board in advance of the meeting, to provide adequate time for its consideration.*

10. ITEMS FROM MEMBERS

INFORMATION

Receive communication from Board members as it pertains to future agenda items.

11. ADJOURNMENT

NEXT REGULAR MEETING: October 11, 2019 AT 2:00 P.M.

Placeholder for Item 7a

Board Meeting Minutes Aug 9, 2019

This item will be included in the final Board packet.

Placeholder for Item 7b

Special Board Meeting Minutes Aug 15, 2019

This item will be included in the final Board packet.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Administrative Committee

Meeting Date: September 13, 2019

Agenda Number: 7c

INFORMATION/ACTION

RECOMMENDATION:

Receive a report from the Administrative Committee.

BACKGROUND/DISCUSSION:

The Administrative Committee held a meeting on July 31, 2019 and Aug 15, 2019. The approved minutes for these meetings are provided as **Attachment A, and B.**

FISCAL IMPACT:

Reviewed by the FORA Controller_____

Staff time for the Administrative Committee is included in the approved annual budget.

COORDINATION:

Administrative Committee

Prepared by_____

Heidi L. Lizarbe

Approved by_____

Michael A. Houlemard, Jr.



APPROVED

FORT ORD REUSE AUTHORITY
ADMINISTRATIVE COMMITTEE REGULAR MEETING MINUTES
8:30 a.m., Wednesday, July 31, 2019 | FORA Conference Room
920nd Avenue, Suite A, Marina, CA 93933

1. CALL TO ORDER

Co-Chair Dino Pick called the meeting to order at 8:30 a.m.

The following members were present:

- | | |
|---|---------------------------------------|
| Jonathan Brinkmann (LAFCO) | Dino Pick* (City of Del Rey Oaks) |
| Layne Long* (City of Marina) | Melanie Beretti* (County of Monterey) |
| Patrick Breen (MCWD) | Craig Malin* (City of Seaside) |
| Hans Uslar* (City of Monterey) | Vicki Nakamura (MPC) |
| Steve Matarazzo (UMBEST) | Anya Spear (MPC) |
| Nicole Hollingsworth (17 th State Senate District) | Mike Zeller (TAMC) |
| Bill Collins (BRAC) | *Voting member |

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Committee member Hans Uslar.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

- Bill Collins from the Base Realignment and Closure (BRAC) Office announced that there is a scheduled detonation in the Army Impact Area between 10:30 a.m. to 12:00 p.m.
- Josh Metz updated the Committee on the Caretaker Cost Worksheet deadlines to be submitted to FORA by August 31st (1st deadline) and October 31st (2nd deadline).

4. PUBLIC COMMENT PERIOD

Members of the public wishing to address the Administrative Committee on matters within its jurisdiction, but not on this agenda, may do so for up to 3 minutes.

There were no public comments received.

5. APPROVAL OF MEETING MINUTES

ACTION

- a. July 17, 2019 Meeting Minutes

MOTION: On motion by Committee member Malin second by Committee member Uslar and carried by the following vote, the Administrative Committee moved to approve the July 17, 2019 regular meeting minutes.

MOTION PASSED UNANIMOUSLY

6. AUGUST 9, 2019 DRAFT BOARD MEETING AGENDA REVIEW

INFORMATION

Executive Officer Michael A. Houlemard, Jr. reviewed the items on the draft Board Meeting agenda for the August 9, 2019 meeting. There were no questions or comments from the Committee.

This item was for information only.

7. BUSINESS ITEMS

INFORMATION/ACTION

a. Habitat Conservation Plan Cost/Impact Study

Senior Planner, Mary Israel introduced Ellen Martin Principal of Economic & Planning Systems, Inc. (“EPS”), noting EPS was contracted in 2010 to review the FORA Capital Improvement Program (“CIP”). The work continued into 2011, as phases 1-3 of the base wide financing strategy was worked on. In 2011, a task was added to the scope of work to include working with FORA’s Habitat Conservation Plan (“HCP”) consultant ICF, the U.S. Fish and Wildlife Service, and California Department of Fish and Game (as called during that time). The task was to evaluate endowment creation, rates of return, and a financing strategy for the HCP. An additional scope has been added to look at the questions posed by the Administrative Committee about the cost impacts associated with endowments and how to fill them in the future post FORA. Ms. Martin advised the Committee that her purpose today was to discuss the potential scoping elements associated with analysis that EPS can offer to help in the discussion surrounding HCP and FORA transition strategy. Ms. Martin provided a presentation reviewing the HCP Cost Structure, Financing Strategy, and Preliminary Scope Parameters. The key issues identified are: Governance – roles and responsibilities of the Cooperative; HCP Cost – restoration, mitigation, and monitoring requirements; HCP financing cash flow analysis and endowment strategy – how EPS determines remaining HCP funding need; HCP cost/impact study – distribution of HCP funding need and benefits, and Financing mechanisms – identify Community Facilities District (“CFD”) Special Tax revenue replacement funding sources. Staff and Ms. Martin responded to questions and comments from the Committee and the public.

b. South Boundary Road

Project Manager, Peter Said provided a brief background stating that in 2010 the FORA Board went through a CEQA process on the improvements to South Boundary and Giggling Roads. He advised the Committee that the Board approved the CEQA findings for the roadways. South Boundary Road has been involved in litigation for the last year and has now been resolved, and the FORA Board has set aside the funds for construction. Throughout the last year, there have been four (4) meetings with the Environmental Protection Agency (“EPA”), the Department of Toxic Substance Control (“DTSC”), and the U.S. Army to determine the construction support plan and soil management requirements for the roadways. The geological and hydrological surveys were updated while performing mitigation and monitoring response planning biological surveys. Mr. Said noted South Boundary Road is complex because it crosses multiple jurisdictions and munition response areas, including soil tracks. The results of the survey decreased the roadway width based on the soil management requirements approved by DTSC, EPA and the Army which limits soil movement and/or soil disposal. In addition, it calls for increased storm water facilities, and earthwork balance. Mr. Said reviewed the proposed plan modifications and the next steps with the Committee. Staff responded to questions and comments from the Committee and the public.

c. Building Removal/Financing Update

Mr. Houlemard introduced the item and noted the Committee provided a recommendation to the Board at the July 17, 2019 meeting to move ahead with the preparatory work and requested additional information and analysis scenarios be provided. Mr. Said provided a brief presentation, outlining the next topics of discussion and actions necessary to move forward in the bonding process. Those include the review of the updated analysis, preparatory work for bond issuance, and the recommendation to, and approval by, the FORA Board. In addition, Mr. Said reviewed the updated scenarios – scenario 2: 2020 dissolution without building removal bond and scenario 3: 2022 extension with building removal bond (low vs high buildout). The preparatory work that’s needs to be completed by EPS is to prepare a Financial Consultant Report, from there NHA will then need to identify the percentage of public right-of-

way for each removal area, establish prioritization process for fund distribution, establish an amendment methodology, and establish an invoicing and payment methodology. NHA Advisors Principal, Mark Northcross led the Committee through a review of the updated analysis. Staff and Mr. Northcross responded to questions and comments from the Committee and the public.

MOTION: On motion by Committee member Malin second by Committee member Long and carried by the following vote, given consideration to the motion that was adopted at the last Administrative Committee meeting on 7/17/2019 (the Administrative Committee moved to make a recommendation to the FORA Board of Directors to authorize all necessary preparatory work to issue bonds for building removal with one abstention from Committee Member Beretti). The Administrative Committee recommends the Board: 1) approve moving forward with the draft schedule presented by NHA Advisors; 2) include obtaining the fiscal consultant's report from Economic & Planning Systems, Inc.; 3) work with the County and jurisdictions on post FORA administration for any bond issuance; 4) secure the jurisdiction's support for bond issuance and proposed schedule; and 5) work with the Monterey County Regional Fire District on revenue loss related issues.

MOTION PASSED UNANIMOUSLY

d. ESCA Long Term

ESCA Project Manager, Stan Cook gave a presentation on the implementing and managing the ESCA long-term obligations. He reminded the Committee of exactly where the ESCA properties are throughout the former Fort Ord boundaries and stated that other than the City of Marina, all jurisdictions are impacted by the ESCA long term obligations. Mr. Cook highlighted some of the land use controls attached to the ESCA properties as being munitions recognition safety training, construction support by USO ordinance qualified personnel, prohibitions provisions on residential use in certain areas, and habitat reserve areas that have access management measures. The land use controls also have some documents called Long Term Management Measures, which include maintaining the land use restrictions, the annual monitor reporting, and the 5-year review reporting. He stated that the main purpose of land use controls is public safety and even though the properties have been cleared to meet Environmental EPA certification completion, munitions could still remain. Under the land use controls, the property owners, which can be either the jurisdictions and/or developers, are responsible to maintain the ESCA properties for public safety. He informed the Committee that due to these strict land use controls on the ESCA properties, the EPA, the Army and DTSC requires that the ESCA successor agency to FORA show fiscal and technical capability. Currently, the City of Seaside is the proposed FORA ESCA successor agency upon FORA's dissolution of June 2020. This will require that the City of Seaside to enter into an agreement with the Army which allows for reimbursement of maintaining the ESCA long term obligations with issues such as staff, consultants, and special counsel services. The County of Monterey will be responsible for compiling the required monitoring reports received from the jurisdictions and forwarding those reports to DTSC. The 2019 Jurisdictions Annual Land Use Reports are due September 1, 2019; however, the County has submitted a request to the extend the due date until December 2019. Mr. Cook noted that as a result of the amount and level of complexity required to maintain the ESCA long-term obligations, there is a 2018 Transition Plan Implementing Agreement being drafted that tailors strictly to the ESCA program. Staff and Mr. Cook responded to questions and comments from the Committee and the public.

e. 2018 Transition Plan Implementing Agreements Progress Report

Regional Government Services ("RGS") Director, Kendall Flint, provided an update on the ESCA Transition Plan Implementing Agreement (TPIA), noting it is unique from the current ESCA agreement between FORA and the U.S. Army in regards to it does not reference property management. However, concurrence with the completion of the ESCA TPIA, the remaining properties will have been transferred

to the respective jurisdictions, and language has been amended. Mrs. Flint advised the Committee that if Senate Bill (SB) 189 passes legislature, the Global TPIA will be re-released with any amended language. At the request of the Administrative Committee, Mrs. Flint will highlight the sections, or language, in the Global TPIA that are stipulations of SB 189 in order to provide clarity of what is contingent upon the legislative bill, and what is not. Mrs. Flint stated that the role of RGS will be concluded upon finalization of the TPIA's; however, should the Committee, or Board, want to retain RGS services for additional tasks, such as the Joint Powers Agreement formation, RGS is available to do so. Mr. Houlemard advised the Committee that it is being proposed to amend/extend the RGS contract. Staff responded to questions and comments from the Committee and the public.

8. ITEMS FROM MEMBERS

None.

9. ADJOURNMENT at: 11:12 a.m.

Minutes Prepared By:
Heidi Lizarbe
Deputy Clerk

Attachment b to Item 7c

Administrative Committee Meeting Minutes Aug 15, 2019

This item will be included in the final Board packet.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Veterans Issues Advisory Committee

Meeting Date: September 13, 2019

Agenda Number: 7d

INFORMATION/ACTION

RECOMMENDATION:

Receive a report from the Veterans Issues Advisory Committee (VIAC).

BACKGROUND/DISCUSSION:

The VIAC met on Aug 22, 2019 and approved the July 25, 2019 minutes. The approved minutes for this meeting is provided as **Attachment A**.

FISCAL IMPACT:

Reviewed by FORA Controller _____

Staff time for this item is included in the approved annual budget.

COORDINATION:

VIAC

Prepared by _____
Natalie Van Fleet

Approved by _____
Michael A. Houlemard, Jr.



APPROVED

**FORT ORD REUSE AUTHORITY
VETERANS ISSUES ADVISORY COMMITTEE (VIAC) MEETING MINUTES
3:00 P.M. July 25, 2019 | FORA Conference Room
920 2nd Avenue, Suite A, Marina CA 93933**

1. **CALL TO ORDER:** Chair, Ian Oglesby, called the meeting to order at 3:00 P.M.

Committee Members Present:

Edith Johnsen, Veterans Families/Fundraising
Ian Oglesby, Mayor of Seaside
James Bogan, Disabled American Veterans
Jason Cameron, Monterey County Office of Military & Veteran Affairs
Richard Garza, CCVC Foundation

2. **PLEDGE OF ALLEGIANCE** led by James Bogan.

3. **ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

Executive Officer Michael Houlemard informed the Committee that he recently spoke with recently retired FORA Principle Analyst Robert Norris, who wanted to share his appreciation to those who attended his retirement dinner.

4. **PUBLIC COMMENT PERIOD**

There were no comments from the public.

5. **APPROVAL OF MEETING MINUTES**

- a. June 27, 2019 Regular Meeting Minutes

MOTION: On motion by Committee member Edith Johnsen and seconded by Committee member James Bogan the VIAC approved the June 27, 2019 meeting minutes.

MOTION: PASSED UNANIMOUSLY

6. **BUSINESS ITEMS**

INFORMATION/ACTION

- a. **Affordable Housing**

i. Veterans Transition Center Housing Development

Mr. Jack Murphy, of the Veterans Transition Center ("VTC") in Marina, provided an update on the supportive housing programs offered by the VTC. Mr. Murphy reported that they are moving people into the duplex that was finished last month. He also informed the Committee that not much has changed regarding the Lightfighter Village project. The Housing Authority of Monterey County has not requested more project-based vouchers from Housing and Urban Development (HUD). As a backup, VTC is in the process of applying for a grant from the California Health Commission to compensate for the lack of vouchers. Mr. Murphy also announced that a Fresno developer will be working with VTC to submit a Request for Qualifications for VTC to partner with another development agency to turn the former Seaside Clinic into housing for veterans.

- b. **Post-FORA VIAC Committee**

Executive Officer Michael Houlemard, Jr. announced that this item is on the Transition Plan report to the FORA Board. He explained that the recommendation in the 2018 Transition Plan was for the County of Monterey to absorb these types of obligations. He also noted that he plans to meet with staff at the County to discuss their role in supporting the VIAC Committee post-FORA.

Mr. Jason Cameron informed the Committee that his office, the Military and Veterans Affairs Office, would likely be in favor of supporting a FORA VIAC. Due to lack of resources, he feels that the additional responsibility warrants a half-time position, and recommended tying funding to the transition.

The Committee discussed the advantages and disadvantages of including the support of the Military and Veterans Affairs Commission. The Committee can expect another report next month addressing VIAC's expectation that the County will take over, find the resources, and get the Commission involved in Veteran's affairs upon dissolution of FORA, currently set for June 30, 2020.

c. **California Central Coast Veterans Cemetery Status Report**

Mr. Houlemard reported that a bid opening for phase II of construction of the cemetery will take place at FORA next week. Mr. Richard Garza noted the deadline of September 30, 2019 to get everything to the Department of Veterans Affairs. It is expected that it will be at the top of the list, if deadlines are met.

d. **Ord Military Community**

Mr. Kai Yuan handed out a Monterey County Fair flyer. He announced that there will be a Resource Fair on August 29, 2019. He also informed the Committee that all military personnel and veterans will be admitted free to the fair on Friday, August 30, 2019.

e. **Fundraising Status**

i. *Central Coast Veterans Cemetery Foundation Status Report*

Mr. Garza informed the group that the Epic Ride should currently be somewhere between New Jersey and Maine. He reported that they are still looking for sponsors for the Run for the Fallen event. Rather than being considered a fundraiser, it is viewed as community effort that needs to be preserved and expanded. Mr. Garza also announced that the Foundation is researching whether or not there is a State law requiring the local community to contribute to the operations and maintenance of the cemetery. He informed the group that fundraising efforts will be shifting from operations and maintenance to community projects, such as building a chapel, a donor wall, and an amphitheater.

f. **VA-DOD Clinic**

Mr. James Bogan reported that some of the entrances have changed. He also announced that every other Thursday they host a \$12 BBQ from 7:30 a.m. – 3:00 p.m. in the cafeteria.

g. **Calendar of Events**

Planning & Economic Development Manager, Josh Metz, announced the Monterey Bay Defense Alliance Breakfast at the Monterey Conference Center will be held August 21, 2019 at 7:30 a.m. Mr. Houlemard announced the Association of Defense Communities is having a conference in Monterey from September 30 to October 2, 2019. The California Defense Leadership Summit will be held August 13 and 14, 2019 in Sacramento.

Mr. Bogan offered to set up a whale watching tour for some attendees of the conference here in Monterey. He noted that the Monterey Bay Vets have the only dive boat in the world with an elevator for disabled and wheelchair-bound people.

7. ITEMS FROM MEMBERS

None.

8. ADJOURNMENT at 3:30 p.m.

Minutes Prepared by:
Shawn Hall

FORT ORD REUSE AUTHORITY BOARD REPORT	
CONSENT AGENDA	
Subject:	Public Correspondence to the Board
Meeting Date:	September 13, 2019
Agenda Number:	7e
	INFORMATION/ACTION

Public correspondence submitted to the Board is posted to FORA’s website on a monthly basis and is available to view at <http://www.fora.org/board.html>

Correspondence may be submitted to the Board via email to board@fora.org or mailed to the address below:

FORA Board of Directors
 920 2nd Avenue, Suite A
 Marina, CA 93933

DRAFT

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Economic Development Quarterly Report

Meeting Date: September 13, 2019

Agenda Number: 8a

INFORMATION

RECOMMENDATION(S):

Receive an Economic Development ("ED") Quarterly Report.

ECONOMIC DEVELOPMENT QUARTERLY UPDATE

Background/Discussion:

The primary goal of the Fort Ord Reuse Authority's ("FORA's") ED program, as originally referenced in the 1997 Base Reuse Plan ("BRP") and amplified in the 2012 Reassessment Report ("RR"), is to assist the three-county (Monterey/Santa Cruz/San Benito) region in general and FORA jurisdictions specifically. This assistance is to provide leadership and support for regional economic recovery from the employment, business, and other economic losses resulting from the departure of soldiers, civilians, and families post Fort Ord closure. BRP projections to achieve full recovery include: 36-38,000 in replacement population; 15,000+ jobs to replace military employment and soldiers; 11-12,000 homes (6160 new units); and approximately 3 million sf commercial/office.

Prior to establishing the current ED program in 2015, extensive groundwork was directed by the FORA Board and overseen by FORA staff 9-8-909 including:

- securing funding, implementation, and completion of the \$98M Environmental Services Cooperative Agreement ("ESCA");
- reuse and/or removal of 3614 of 4370 military buildings (including reopening 500+ units for affordable workforce housing);
- transfer of 10,013 of 17,652 habitat acres for permanent preservation;
- construction of \$66.5M worth of new transportation infrastructure (including \$40M in grant funding), 32 miles of roadway capacity added using grants and developer fees;
- storm water outfall removal (including securing \$6M in grant funding);
- continued and ongoing support for the veteran's community leading to the Central Coast Veterans Cemetery; and
- the first Joint Department of Defense ("DOD")/Veterans Administration ("VA") Veterans Clinic built anew in the City of Marina.

Also, our survey and research (in concert with former Fort Ord jurisdictions), results show progress toward the above noted BRP goals to date indicates: *15,717 population; 6047 jobs; 5649 homes (1458 new + 4191 reused); and 691k sf commercial.* When coupled with the educational and institutional growth, these accomplishments demonstrate a strong foundation and equitable basis for realizing new economic development gains.

FORA's ongoing ED strategy is based on the following key components:

- **Build upon regional economic strengths** (Agriculture, Tourism, Higher Education/ Research, Military Missions)
- **Pursue new & retain existing businesses/enterprises.**

- **Engage internal & external stakeholders** (i.e. FORA Jurisdictions, California State University Monterey Bay (“CSUMB”), University of California Santa Cruz (“UCSC”), Monterey Bay Economic Partnership (“MBEP”), Monterey County Business Council, Monterey Peninsula Chamber of Commerce, and others.
- **Develop and maintain information resources.**
- **Report success metrics.**

Per ongoing Board direction and following the strategy outlined above, staff continues to make progress on a number of key projects. The following notes summarize and highlight progress since the May 10, 2019 Economic Development Quarterly Update:

- **Monterey Bay Drone, Automation, Robotics, Technology (“DART”).** FORA staff is working with multiple public and private partners to advance the DART initiative. This initiative provides an organizing principle for entrepreneurship and business attraction efforts aligned with growing regional strengths, broad market opportunity, and global technology trends. The DART concept grew from our unsuccessful bid for a Federal Aviation Administration (“FAA”) Unmanned Aerial System Integration Pilot Program designation at the Marina Municipal Airport. The process of responding to the FAA call for proposal resulted in the establishment of healthy public-private partnerships to advance these interconnected fields in the Monterey Bay Region. The initiative is advancing on multiple fronts including:

- 1) Establishing a 501c3 organization (Monterey Bay DART) as a durable vehicle for multi-party participation, funding, education and advocacy;

- 2) Initiating an on-going series of DART Meet-ups to be hosted at the University California Monterey Bay Education Science & Technology (“UCMBEST”) Center. Three Meetups have been held so far, the first on Feb 12, 2019 (co-hosted with Startup Monterey Bay Tech Meetup) with a focus on Human Transport & Joby Aviation attracted over 75 people; the 2nd, held on April 16, 2019 with a focus on Public Safety attracted over 40 participants; and the 3rd held on June 18 focused on Agriculture & Natural Resources attracted over 60 people. The next Meetup is planned for 5-8pm Thursday September 19 focused on Marine Technology;

- 3) Partnering with the UC Ag & Natural Resources Division (“UCANR”) to host the 2019 Drone Camp the week of June 17-20, 2019 on the former Fort Ord at UCMBEST and CSUMB campus. This successful event brought 75+ agency professionals, graduate students, and researchers to the area for a 3-day intensive training, and represented an innovative CSU-UC cross-system partnership;

- 4) Hosting for the first Monterey Bay DART Symposium Friday June 21, 2019, which brought together 160+ industry, academia, military and government stakeholders and highlighted regional strengths, challenges and opportunities. Numerous transactions and new partnerships emerged from the day and continue to produce results. Enthusiasm is high and efforts already underway to plan the 2nd DART Symposium, Friday June 19, 2020. A Symposium highlights video is online <https://player.vimeo.com/video/349755743>;

- 5) Convening a workforce development working group to meet immediate and near-term workforce demands of DART companies and industry expanding in the region;

- 6) Pursuing feasibility study funding to evaluate alternative development futures. Local match funding totaling \$116k has been committed from FORA, City of Marina, and UCSC, which allows for a potential maximum of \$464k Economic Development Administration

(EDA) contribution. Since the proposed project is within a Federal Opportunity ZONE, EDA requires only a 20% local match.

Lots going on with this exciting initiative and opportunities for broad participation, but especially for the City of Marina/Marina Municipal Airport. Please visit <https://MontereyBayDART.org> or contact Josh Metz with any questions or interest.

- **2019 Jobs Survey.** FORA Staff completed the 2019 Jobs Survey on behalf of its member jurisdictions. 136 employers and 6047 positions were identified within the former Fort Ord Boundary, representing a 6.5% (395 jobs) increase in total jobs reported since 2018, with majority being part-time positions. Business types on the former Fort Ord include: professional services (42%); retail/food service (25%); education related (19%); recreation (8%); and military (6%). Military-related account for the largest employment group, followed by education-related, professional, retail and recreation. These results represent an overall 36% progress towards the 18,000 BRP post-Fort Ord jobs target. *The full report can be accessed online: <https://ordforward.org/2019-jobs-survey-report/>.*
- **Opportunity Zones (“OZ”).** 9 Census Blocks in Monterey County were included in the 879 tracts nominated by Governor Brown for inclusion as OZ (8 in North County/Peninsula and 1 in South County). Track #14102 on the south/southeast edge of the City of Marina (northern edge of the former Fort Ord) is among them. This tract includes the Marina Airport, UCMBEST, and Dunes on Monterey Bay Specific Plan Area. Downtown Seaside has 2 large tracts, and the City of Salinas has 5. These blocks are now included in the Department of Treasury designated Qualified OZ under Internal Revenue Code Section 1400Z-1(b)(1)(B). Draft Federal OZ regulations were released on October 19, 2018 and are available for review at the link below. This new tax program is intended to provide new investment incentives to catalyze long desired infrastructure and urban development. FORA Staff worked in collaboration with City of Marina to produce the Marina OZ Prospectus, which describes the context and opportunities for OZ investment (accessible online here: <https://ordforward.org/marina-opp-zone/>). Completing this prospectus provided entre to the OZ Investment Summit, hosted by the Accelerator for America at Stanford University on March 18, 2019. This event attracted the attendance of over 400 investors and stakeholders from around the country to focus on best practices for community-oriented OZ investment. The Marina Prospectus was one of 27 from around the country featured at the event. Subsequently, 2 new interested investors have toured the zone and are considering projects here. The Prospectus will be updated as new information and projects are defined, and is a model for use by other Monterey Bay area regional cities. Regular updates regarding this item, including links to other/related reference resources can be located online at: <https://ordforward.org/opportunity-zones/>. The State of California recently launched an OZ portal, accessible here: <https://opzones.ca.gov/>. *Planning is currently underway through the Central Coast Marketing Team (“CCMT”) for the first Monterey Bay Regional Opportunity Zone Investment Forum, 8am-12:30pm at CSUMB City Center, Salinas. More information & registration online at <http://MBOZ.org>.*
- **Business Recruitment/Retention.** FORA staff responds to and broadly refers inquiries from businesses/contacts interested in location or relocation and reuse of former Fort Ord real estate. These efforts contribute to both recruitment of new and retention of existing regional businesses. Developer engagement in recent months includes interest in affordable housing, hospitality, and light industrial/commercial projects. Staff continues supporting airport related development interest at Marina Municipal Airport and UCMBEST. Of particular note is the recently announced location of Joby Aviation at the Marina Airport.

This cutting-edge company will bring long sought after engineering and advanced manufacturing jobs to the City and region. Staff is also actively engaged in business recruitment efforts through the CCMT including: a) serving a leadership role in the CCMT in alignment with FORA interests, b) leading planning efforts for the Oct 14th Opportunity Zone Investment Forum, and c) continued development and management of <https://SelectCentralCoast.org/>. Staff participated in a number of external business recruitment related events during the past quarter including: Attending the Association for Unmanned Vehicle Systems International Conference in Chicago April 27-30, 2019 for drone port workshop and business recruitment; attending the Industrial Asset Management Council meeting with Team California May 4-7, 2019 to recruit good fit businesses to the region; and participating in the Select USA Investment Summit in Washington DC June 10-12, 2019 with Go-Biz and Team California. These activities contributed to increased participation at the DART Symposium, new business interest at the Marina Airport /UCMBEST, and furthering relationships at the State and Federal levels. Staff continues working with relevant jurisdiction staff and elected officials where appropriate to advance new and emerging opportunities.

- **Start-up Challenge Monterey Bay/California State University Monterey Bay Collaboration.** FORA continues to support expansion of regional entrepreneurship through collaboration with CSUMB on a broad Start-up Monterey Bay initiative including high quality events throughout the year. A regional entrepreneurship events calendar is now available and maintained regularly for public review/use at <https://StartupMontereyBay.com>. The annual cycle of entrepreneurship events culminates on September 27th, with the Startup Investment Forum at the Embassy Suites, Seaside. The 2019/20 Cycle, begins anew with the Startup Hackathon, Nov 1-3, 2019. Startup Weekend Monterey Bay is scheduled for January 24, 2020 and the Startup Challenge process kicks into gear directly thereafter, and culminates in the Otter Tank competition at CSUMB Salinas City Center in May 2020.

Other collaborations with CSUMB faculty and staff include contributing to continued growth of the sustainable hospitality/eco-recreation tourism efforts; and collaboration with planning and economic development initiatives including R&D, commercial, recreation, and residential resources. The sustained growth in relationships and mutually beneficial projects and initiatives highlights value generated from working relationships with CSUMB faculty/staff.

- **UCMBEST West Campus Auction.** University of California opened an auction for its 49.6-acre, UCMBEST West Campus in May 2018. The property is directly adjacent to the Marina Municipal Airport and other planned commercial development and conservation sites. The auction closed July 17, 2018. A successful bidder was secured and they are now working with UCSC, the City of Marina, and FORA awaiting escrow closure expected before end of year 2019. Questions about the property can be directed to UCMBEST Planning Director Steve Matarazzo. More information about the auction including links to site background information is available online at <https://ordforward.org/ucmbest-west-campus-auction/>. Staff continues to coordinate with UC Real Estate personnel to advance a more active future at UCMBEST.
- **Community Engagement/Jurisdiction Support.**

Community engagement/jurisdiction support remains a focus for ED staff. Staff engaged with the following processes since the September ED Progress Report:

FORA ED staff continue supporting City of Seaside Campus Town planning in developer/consultant informational meetings, in on-going cross-jurisdictional land use optimization

discussions, and in providing affordable housing information and resources to development teams. Staff continues working closely with the City of Marina Airport Manager and Economic Development team to continue advancing long term development interests in and around the Marina Airport.

- **Housing Starts.** New residential development at the Dunes on Monterey Bay, Sea Haven, and East Garrison continues. A summary of Community Facilities District (“CFD”) fees collected over the past 5 years is provided below:

New Residential	FY 14/15 Actual	FY 15/16 Actual	FY 16/17 Actual	FY 17/18 Actual	FY 18/19 Actual (<i>Projected</i>)
Total Units	89	256	317	273	289 (316)
Total CFD Fees	\$1,982,669	\$5,202,626	\$7,329,706	\$6,507,501	\$7,115,469 (\$7,780,236)

Looking Forward

The following events and initiatives will be the FORA economic development team focus in the months ahead: Convening the 4th DART Meetup, Thursday September 19 at UCMBEST; Participation in the Startup Investment Forum, September 27 at Embassy Suites; Supporting the Association of Defense Communities (“ADC”) Base Redevelopment Forum, September 30 - October 1 at Monterey Convention Center and FORA; Hosting Opportunity Zone Investment Forum, Monday October 19th at CSUMB City Center; Participating in MBEP State of the Region, Friday October 25 at Monterey Hyatt; and attending California Economic Summit, November 7-8 in Fresno. Other continuing efforts include Affordable Housing Initiative Support with MBEP; Jurisdiction Support; FORA Transition Planning; FORA Jobs Survey; community outreach and engagement.

FISCAL IMPACT:

Reviewed by FORA Controller _____

Funding for staff time and ED program activities is included in the approved FORA budget.

COORDINATION:

Administrative and Executive Committees, UCSC, City of Marina, City of Seaside

Prepared by _____ Approved by _____
 Josh Metz Michael A. Houlemard, Jr.

Placeholder for Item 8b

Building Removal Bonds

This item will be included in the final Board packet.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEM

Subject: 2018 Transition Plan Implementing Agreements Progress Report

Meeting Date: September 13, 2019

Agenda Number: 8c

INFORMATION

RECOMMENDATION:

Receive a Fort Ord Reuse Authority (“FORA”) Transition Plan Implementing Agreements Progress Report.

BACKGROUND:

At the March 22, 2019 Board meeting and prior Board meetings the FORA Board requested that staff and consultants provide periodic updates regarding the status of the 2018 Transition Plan Implementation.

STATUS UPDATE- PENDING LEGISLATION:

Senator Monning introduced two bills related to the FORA Act; Senate Bill (SB) 189 regarding FORA extension and dissolution, and SB 533 regarding prevailing wage. SB 189 passed the State Senate 38-0 and the State Assembly Committee on Local Government 8-0. SB 189 did not come out of suspense, and as of this writing, will not be coming out of the Assembly for the Governors consideration. SB 533 will not be heard this session.

SB 189 text is attached for reference even though it is unlikely to proceed forward (**Attachment A**).

TRANSITION PLANNING PROGRESS REPORT:

Since the August 9, 2019 Board meeting report, FORA transition plan implementation consultants Regional Government Services (“RGS”) continue meeting with various stakeholders and compiling background information to support drafting Transition Plan Implementation Agreements (“TPIA”). The RGS workplan involves drafting the following set of TPIA for consideration by the Board:

1. **Multi-agency TPIA:** addressing issues relevant to each FORA land use jurisdiction (Del Rey Oaks, Marina, Monterey, Monterey County, Seaside) as well as:
 - a. Transferring FORA’s regional transportation obligations and offsite transportation reimbursement agreements to the Transportation Agency for Monterey County (“TAMC”) and the holdover jurisdictions;
 - b. Economic Development Conveyance (“EDC”) Successor (property transfers);
 - c. Local Reuse Authority (“LRA”) Successor; and
 - d. Provisions to continue regional housing solutions cooperation.
2. **Water TPIA:** addressing transfer of certain FORA water supply/allocation rights (as may be noted in EDC agreement above) and obligations to Marina Coast Water District (“MCWD”).
3. **Environmental Services Cooperative Agreement (“ESCA”) TPIA:** regarding post-FORA successor and obligations under this contract with the US Army.

RGS consultants met with the Administrative Committee on March 20, April 3, June 5, June 19, July 3, July 31, and August 14, 2019 to provide updates on TPIA progress (**Attachment B**).

A draft Multi-Agency Implementing Agreement was reviewed by the Administrative Committee June 19 and July 3, 2019, and was shared for review by the Board and public prior to the July 12 meeting (**Attachment C**). RGS consultants are incorporating Board and Administrative Committee comments. Staff anticipates RGS consultants will bring a revised DRAFT Multi-Agency TPIA for Board consideration following State action on SB 189.

RGS consultants produced a DRAFT ESCA TPIA for Administrative Committee review at the July 31, 2019 meeting. Following receipt of stakeholder feedback, FORA-ESCA staff prepared a revised DRAFT ESCA TPIA and provided to RGS consultants.

In addition to the RGS consultant workplan, Staff is advancing the following transition related items:

- a) Habitat Conservation Plan Joint Powers Authority formation;
- b) Local Agency Formation Commission of Monterey County-FORA Liability Agreement;
- c) Final FY 19/20 Capital Improvement Program;
- d) Environmental Protection Agency (“EPA”)/Department of Toxic Substances Control (“DTSC”) /Army – FORA ESCA successor acceptance process; and
- e) Public Employee Retirement System obligations and FORA projected staffing.

COORDINATION:

Executive Officer.

ATTACHMENTS:

Attachment A: Senate Bill 189
Attachment B: TPIA Status Chart
Attachment C: DRAFT Multi-Agency TPIA
Attachment D: DRAFT ESCA TPIA

Prepared by _____ Approved by _____
Josh Metz Michael A. Houlemard, Jr.

AMENDED IN ASSEMBLY JUNE 17, 2019

AMENDED IN SENATE MAY 17, 2019

AMENDED IN SENATE APRIL 11, 2019

AMENDED IN SENATE APRIL 1, 2019

SENATE BILL

No. 189

Introduced by Senator Monning

(Coauthors: Assembly Members Robert Rivas and Mark Stone)

January 30, 2019

An act to amend Section 67675 of, to amend and repeal Sections ~~67661, 67662, 67673, 67675.2, 67675.3, 67675.4, 67675.5, 67675.6, 67675.7, 67675.8, 67675.9, and 67690~~ of, to amend, repeal, and add Sections 67652, 67655, 67660, ~~67661, 67679, and 67700~~ of, and to add Section 67701 to, the Government Code, ~~and to add Section 33492.79 to the Health and Safety Code~~, relating to military base reuse.

LEGISLATIVE COUNSEL'S DIGEST

SB 189, as amended, Monning. Fort Ord Reuse Authority: member agencies: land use and zoning: dissolution.

(1) Existing law, the Fort Ord Reuse Authority Act, establishes the Fort Ord Reuse Authority (the authority) to prepare, adopt, finance, and implement a plan for the use and development of the territory previously occupied by the Fort Ord military base in the County of Monterey. The act provides that the authority is governed by a board comprised of 13 members representing the County of Monterey and specified cities within the county, which the act designates as "member agencies." The act provides that any local agency that does not adopt a resolution favoring establishment of the authority is not required to appoint a voting member to the board.

This bill would reduce the size of the board from 13 members to 5 members and eliminate representation for certain cities. The bill would delete the provision regarding a local agency not being required to appoint a voting member to the board. The bill would require the vote of a majority of the total membership of the board to pass or act upon any matter properly before the board. The bill would make these provisions operative on July 1, 2020.

(2) Existing law requires the board to prepare, adopt, review, revise, and maintain a plan for the future use and development of the territory occupied by Fort Ord. Existing law requires the plan to include certain elements, including, among others, a 5-year capital improvement program, as provided.

This bill, on and after July 1, 2020, would prohibit any additions to the plan, including the capital improvement program.

(3) Existing law authorizes representatives of certain entities to serve as ex officio, nonvoting members of the ~~board and~~ board.

This bill, on July 1, 2020, would reduce the number of representatives authorized to serve as ex officio, nonvoting members, as provided, and would additionally authorize a representative designated by the Marina Coast Water District to serve as an ex officio, nonvoting member.

(4) Existing law authorizes the board to appoint or remove additional ex officio members at its pleasure. Existing law authorizes the board to appoint advisory committees to provide it with options, critique, analysis, and other information as it finds useful.

After adoption of a reuse plan by the board, existing law requires each county or city with territory occupied by Fort Ord to submit its general plan or amended general plan that meets certain requirements, or subsequent amendments to a certified plan, to the board and requires the board, after a noticed public hearing, to certify or refuse to certify the portion of the general plan that applies the territory of Fort Ord, as provided. Existing law similarly provides for the submission and review by the board of the county's or city's zoning ordinances, zoning district maps, and, where necessary, other implementing actions applicable to the territory of Fort Ord. Existing law provides that development review authority, with certain exceptions, is exercised by the applicable county or city, but prohibits a local agency from permitting, approving, or otherwise allowing a development or other change of use within the area of Fort Ord that is not consistent with the reuse plan adopted by the board. Existing law authorizes the board to review actions of each member agency regarding planning, zoning, and the issuance or denial

of building permits within the area of Fort Ord, subject to specified limitations.

Existing law provides specific procedures regarding the preparation of an environmental impact report on the Fort Ord Reuse Plan that apply in the event that an environmental impact statement on the closure and reuse of Fort Ord has been filed pursuant to the federal National Environmental Policy Act of 1969.

Existing law authorizes the board to receive contributions from member agencies represented on the board. Existing law requires each member agency and each public agency represented by an ex officio member to contribute specified amounts to the authority.

This bill would repeal all of these provisions on July 1, 2020.

~~(4)~~

(5) Existing law authorizes the board to identify basewide public capital facilities described in the Fort Ord Reuse Plan, as provided, and requires the board to plan for and arrange for the provision of those facilities. Existing law requires the board to also identify significant local public capital facilities, but requires these facilities to be the responsibility of the city or county or redevelopment agency, as provided.

Existing law prohibits the board from constructing or otherwise acting to improve a local public capital facility without the consent of the city or county with land use authority over the area where the facility is or will be located. Existing law also prohibits, if all or any portion of the Fritzsche Army Air Field is transferred to the City of Marina, or if all or any portion of the 2 Army golf courses within the territory of Seaside are transferred to the City of Seaside, the board from considering those portions of the air field that continue to be used as an airport or those portions of the golf courses that continue in use as a golf course, from being basewide capital facilities. Existing law authorizes the board, among other things, to issue bonds to finance basewide public facilities.

This bill, on July 1, 2020, would delete the prohibitions described above, and would eliminate the board's authority to issue bonds to finance basewide public facilities.

~~(5)~~

(6) Under existing law, the Fort Ord Reuse Authority Act becomes inoperative when the board makes a specified determination regarding the development or reuse of the territory of Fort Ord or on June 30, 2020, whichever occurs first. Existing law repeals the act on January 1, 2021. Existing law requires the Monterey County Local Agency

Formation Commission to provide for the orderly dissolution of the authority, as provided.

This bill would, instead, make the Fort Ord Reuse Authority Act inoperative on June 30, 2022, and repeal the act on January 1, 2023. The bill would require the authority to negotiate and secure successor agencies for all obligations under the transition plan no later than June 30, 2022. The bill would require the Monterey County Local Agency Formation Commission to provide for the orderly dissolution of the authority once an agreement with a successor agency has been finalized. The bill would require the transfer of specified revenues of the authority to the County of Monterey for disbursement to each underlying land use jurisdiction on a pro rata basis. The bill would specify that any financial obligation of the authority to which the County of Monterey succeeds as a result of the disbursement of remaining revenues or the retirement of debt does not constitute a debt or liability of the county, or any other member agency. The bill would make these provisions operative on July 1, 2020.

This bill would authorize the authority to take specified actions regarding its dissolution, including implementing the transition plan and collecting and disbursing specified revenues. The bill would authorize an underlying land use jurisdiction to adopt a substitute funding mechanism in lieu of the community facilities district established for the Fort Ord area if the jurisdiction commits to continue funding specified regional needs. The bill would also deem the transition plan to be within the scope of a specified categorical exemption from the California Environmental Quality Act. The bill would make these provisions operative on July 1, 2020.

(6)

(7) Existing law establishes procedures for the establishment and operation of all redevelopment project areas created within the area previously known as Fort Ord. Existing law, upon dissolution of the authority, requires that amounts allocated under a redevelopment plan that contains a provision for the division of taxes, if any levied upon taxable property within a redevelopment project, continue to be paid to the accounts of the authority insofar as needed to pay principal and interest or other amounts of debt incurred by the authority.

~~This bill would make these provisions governing the establishment and operation of redevelopment project areas created within Fort Ord inoperative as of the date of the dissolution of the Fort Ord Reuse Authority or the retirement of the authority's debt, whichever occurs~~

later. The bill, upon dissolution of the authority or retirement of its debt, whichever occurs later, would require that any remaining property tax revenues allocated to the authority be transferred to the auditor-controller of the County of Monterey for appropriate distribution.

(7)

(8) This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Monterey.

(8)

(9) By adding to the duties of various local agencies with respect to the dissolution of the Fort Ord Reuse Authority, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 67652 of the Government Code is
2 amended to read:

3 67652. The Legislature finds and declares as follows:

4 (a) The policy set forth in Section 67651 is most likely to be
5 achieved if an effective governmental structure exists to plan for,
6 finance, and carry out the transfer and reuse of the base in a
7 cooperative, coordinated, balanced, and decisive manner.

8 (b) The County of Monterey and the Cities of Monterey, Salinas,
9 Carmel, and Pacific Grove have requested the Legislature to
10 establish a governmental structure for Fort Ord.

11 (c) This section shall remain in effect only until July 1, 2020,
12 and as of that date is repealed.

13 SEC. 2. Section 67652 is added to the Government Code, to
14 read:

15 67652. (a) The Legislature finds and declares as follows:

16 (1) The policy set forth in Section 67651 is most likely to be
17 achieved if an effective governmental structure exists to plan for,

1 finance, and carry out the transfer and reuse of the base in a
2 cooperative, coordinated, balanced, and decisive manner.

3 (2) The transition plan, adopted by the Ford Ord Reuse
4 Authority, will ~~assure~~ ensure that ongoing, mandated requirements
5 continue to be funded and addressed within the region covered by
6 the authority, which will collect and distribute revenue for the
7 limited environmental and infrastructure mission.

8 (b) This section shall become operative on July 1, 2020.

9 SEC. 3. Section 67655 of the Government Code is amended
10 to read:

11 67655. Unless the context otherwise requires, the definitions
12 contained in this chapter govern the construction of this title.

13 (a) "Authority" means the Fort Ord Reuse Authority.

14 (b) "Base-wide facility" means a public capital facility which,
15 in the judgment of the board, is important to the overall reuse of
16 Fort Ord, and has significance beyond any single city or the
17 unincorporated area of the county.

18 (c) "Board" means the governing board of the authority, as
19 specified in Section 67660.

20 (d) "Fort Ord Reuse Plan" means the plan for the future use of
21 Fort Ord adopted pursuant to Section 67675.

22 (e) "Legislative body" means the city council of a city or the
23 board of supervisors of a county, or the legislative body or
24 governing board of any other public agency.

25 (f) "Local facility" means a public capital facility which, in the
26 judgment of the board, is important primarily within a single city
27 or the unincorporated area of the county.

28 (g) "Member agency" means the County of Monterey and the
29 City of Carmel, the City of Del Rey Oaks, the City of Marina, the
30 City of Sand City, the City of Monterey, the City of Pacific Grove,
31 the City of Salinas, or the City of Seaside.

32 (h) "Fort Ord," including references to the territory or area of
33 Fort Ord, means the geographical area described in the document
34 entitled "Description of the Fort Ord Military Reservation Including
35 Portion of the Monterey City Lands Tract No. 1, the Saucito,
36 Laguna Seca, El Chamisal, El Toro and Noche Buena Ranchos,
37 the James Bardin Partition of 1880 and Townships 14 South,
38 Ranges 1 and 2 East and Townships 15 South, Ranges 2 and 3
39 East, M.D.B. and M. Monterey County, California," prepared by

1 Bestor Engineers, Inc., and delivered to the Sacramento District
2 Corps of Engineers on April 11, 1994.

3 (i) “Public capital facilities” means all public capital facilities
4 described in the Fort Ord Reuse Plan, including, but not limited
5 to, roads, freeways, ramps, air transportation facilities and freight
6 hauling and handling facilities, sewage and water conveyance and
7 treatment facilities, school, library, and other educational facilities,
8 and recreational facilities, that could most efficiently and
9 conveniently be planned, negotiated, financed, or constructed by
10 the authority to further the integrated future use of Fort Ord.

11 (j) “Redevelopment authority,” for purposes of the transfer of
12 property at military bases pursuant to Title XXIX of the National
13 Defense Authorization Act for the 1994 fiscal year, means the Fort
14 Ord Reuse Authority, except that, with respect to property within
15 the territory of Fort Ord that is transferred or to be transferred to
16 the California State University or to the University of California,
17 “redevelopment authority” solely for purposes of the transfer of
18 property at military bases pursuant to Title XXIX of the National
19 Defense Authorization Act for the 1994 fiscal year means the
20 California State University or the University of California, and
21 does not mean the Fort Ord Reuse Authority.

22 (k) This section shall remain in effect only until July 1, 2020,
23 and as of that date is repealed.

24 SEC. 4. Section 67655 is added to the Government Code, to
25 read:

26 67655. Unless the context otherwise requires, the definitions
27 contained in this chapter govern the construction of this title.

28 (a) “Authority” means the Fort Ord Reuse Authority.

29 (b) “Base-wide facility” means a public capital facility which,
30 in the judgment of the board, is important to the overall reuse of
31 Fort Ord, and has significance beyond any single city or the
32 unincorporated area of the county.

33 (c) “Board” means the governing board of the authority, as
34 specified in Section 67660.

35 (d) “Community facilities district revenues” means the revenues
36 collected by the authority pursuant to the Mello-Roos Community
37 Facilities Act of 1982 (Chapter 2.5 (commencing with Section
38 53311) of Part 1 of Division 2 of Title 5).

39 (e) “Fort Ord Reuse Plan” means the plan for the future use of
40 Fort Ord adopted pursuant to Section 67675.

- 1 (f) “Legislative body” means the city council of a city or the
2 board of supervisors of a county, or the legislative body or
3 governing board of any other public agency.
- 4 (g) “Local facility” means a public capital facility which, in the
5 judgment of the board, is important primarily within a single city
6 or the unincorporated area of the county.
- 7 (h) “Member agency” means the County of Monterey, the City
8 of Del Rey Oaks, the City of Marina, the City of Monterey, or the
9 City of Seaside.
- 10 (i) “Fort Ord,” including references to the territory or area of
11 Fort Ord, means the geographical area described in the document
12 entitled “Description of the Fort Ord Military Reservation Including
13 Portion of the Monterey City Lands Tract No. 1, the Saucito,
14 Laguna Seca, El Chamisal, El Toro and Noche Buena Ranchos,
15 the James Bardin Partition of 1880 and Townships 14 South,
16 Ranges 1 and 2 East and Townships 15 South, Ranges 2 and 3
17 East, M.D.B. and M. Monterey County, California,” prepared by
18 Bestor Engineers, Inc., and delivered to the Sacramento District
19 Corps of Engineers on April 11, 1994.
- 20 (j) “Property tax revenues” means the amount of property tax
21 revenues allocated to the authority pursuant to Section 33492.71
22 of the Health and Safety Code.
- 23 (k) “Public capital facilities” means all public capital facilities
24 described in the Fort Ord Reuse Plan, including, but not limited
25 to, roads, freeways, ramps, air transportation facilities and freight
26 hauling and handling facilities, sewage and water conveyance and
27 treatment facilities, school, library, and other educational facilities,
28 and recreational facilities, that could most efficiently and
29 conveniently be planned, negotiated, financed, or constructed by
30 the authority to further the integrated future use of Fort Ord.
- 31 (l) “Redevelopment authority,” for purposes of the transfer of
32 property at military bases pursuant to Title XXIX of the National
33 Defense Authorization Act for the 1994 fiscal year, means the Fort
34 Ord Reuse Authority, except that, with respect to property within
35 the territory of Fort Ord that is transferred or to be transferred to
36 the California State University or to the University of California,
37 “redevelopment authority” solely for purposes of the transfer of
38 property at military bases pursuant to Title XXIX of the National
39 Defense Authorization Act for the 1994 fiscal year means the

1 California State University or the University of California, and
2 does not mean the Fort Ord Reuse Authority.

3 (m) “Transition plan” means the plan for the dissolution of the
4 authority adopted by the board, as required by subdivision (c) of
5 Section 67700.

6 (n) “Underlying land use jurisdiction” means, singularly or in
7 the plural, the City of Monterey, the City of Del Rey Oaks, the
8 City of Seaside, the City of Marina, or the County of Monterey.

9 (o) This section shall become operative on July 1, 2020.

10 SEC. 5. Section 67660 of the Government Code is amended
11 to read:

12 67660. (a) The authority shall be governed by a board of 13
13 members composed of the following:

- 14 (1) One member appointed by the City of Carmel.
- 15 (2) One member appointed by the City of Del Rey Oaks.
- 16 (3) Two members appointed by the City of Marina.
- 17 (4) One member appointed by Sand City.
- 18 (5) One member appointed by the City of Monterey.
- 19 (6) One member appointed by the City of Pacific Grove.
- 20 (7) One member appointed by the City of Salinas.
- 21 (8) Two members appointed by the City of Seaside.
- 22 (9) Three members appointed by Monterey County.

23 (b) Notwithstanding subdivision (a), any local agency that does
24 not adopt a resolution favoring establishment of the Fort Ord Reuse
25 Authority pursuant to Section 67656 shall not be required to
26 appoint a voting member to the board. The failure of a local agency
27 to appoint a voting member to the board pursuant to this
28 subdivision shall not alter or reduce the powers and duties of the
29 authority or the board in any manner.

30 (c) Each member agency may appoint one alternate for each of
31 its positions on the board, and each alternate shall have all the
32 rights and authority of a board member when serving in that board
33 member’s place.

34 (d) Each board member and each alternate shall be a member
35 of the legislative body making the appointment, except that
36 alternates appointed by the Monterey County Board of Supervisors
37 shall be members of the board of supervisors or county staff. Board
38 members and alternates shall serve at the pleasure of the member
39 agency making the appointment.

1 (e) This section shall remain in effect only until July 1, 2020,
2 and as of that date is repealed.

3 SEC. 6. Section 67660 is added to the Government Code, to
4 read:

5 67660. (a) The authority shall be governed by a board of five
6 members composed of the following:

7 (1) One member appointed by the City of Del Rey Oaks.

8 (2) One member appointed by the City of Marina.

9 (3) One member appointed by the City of Monterey.

10 (4) One member appointed by the City of Seaside.

11 (5) One member appointed by Monterey County.

12 (b) Each member agency may appoint one alternate for each of
13 its positions on the board, and each alternate shall have all the
14 rights and authority of a board member when serving in that board
15 member's place.

16 (c) Each board member and each alternate shall be a member
17 of the legislative body making the appointment, except that the
18 alternate appointed by the Monterey County Board of Supervisors
19 shall be a member of the board of supervisors or county staff.
20 Board members and alternates shall serve at the pleasure of the
21 member agency making the appointment.

22 (d) The vote of a majority of the total membership of the board
23 shall be required to pass or act upon any matter properly before
24 the board, and each member of the board shall have one vote.

25 (e) This section shall become operative on July 1, 2020.

26 SEC. 7. Section 67661 of the Government Code is amended
27 to read:

28 67661. (a) The following may serve as ex officio nonvoting
29 members of the board:

30 (1) A representative appointed by the Monterey Peninsula
31 Community College District.

32 (2) A representative appointed by the Monterey Peninsula
33 Unified School District.

34 (3) A representative designated by the Member of Congress
35 that has the majority portion of Ford Ord in their Congressional
36 District.

37 (4) A representative designated by the Senator that has the
38 majority portion of Ford Ord in their Senate District.

39 (5) A representative designated by the Assembly Member that
40 has the majority portion of Ford Ord in their Assembly District.

1 (6) A representative designated by the United States Army.

2 (7) A representative designated by the Chancellor of the
3 California State University.

4 (8) A representative designated by the President of the
5 University of California.

6 (9) A representative designated by the Monterey County Water
7 Resources Agency.

8 (10) A representative designated by the Transportation Agency
9 of Monterey County.

10 (b) This section shall remain in effect only until July 1, 2020,
11 and as of that date is repealed.

12 *SEC. 8. Section 67661 is added to the Government Code, to*
13 *read:*

14 *67661. (a) The following may serve as ex officio nonvoting*
15 *members of the board:*

16 *(1) A representative designated by the United States Army.*

17 *(2) A representative designated by the Chancellor of the*
18 *California State University.*

19 *(3) A representative designated by the Marina Coast Water*
20 *District.*

21 *(b) This section shall become operative on July 1, 2020.*

22 ~~SEC. 8.~~

23 *SEC. 9. Section 67662 of the Government Code is amended*
24 *to read:*

25 *67662. (a) The board may appoint or remove additional ex*
26 *officio nonvoting members at its pleasure.*

27 *(b) This section shall remain in effect only until July 1, 2020,*
28 *and as of that date is repealed.*

29 ~~SEC. 9.~~

30 *SEC. 10. Section 67673 of the Government Code is amended*
31 *to read:*

32 *67673. (a) The board may, at its pleasure, appoint an additional*
33 *advisory committee or committees to provide the board with*
34 *options, critique, analysis, and other information as it finds useful,*
35 *and may provide mechanisms through which a committee may*
36 *report to the board.*

37 *(b) This section shall remain in effect only until July 1, 2020,*
38 *and as of that date is repealed.*

1 ~~SEC. 10.~~

2 *SEC. 11.* Section 67675 of the Government Code is amended
3 to read:

4 67675. (a) The board shall prepare, adopt, review, revise from
5 time to time, and maintain a plan for the future use and
6 development of the territory occupied by Fort Ord as of January
7 1, 1993. The adopted plan shall be the official local plan for the
8 reuse of the base for all public purposes, including all discussions
9 with the Army and other federal agencies, and for purposes of
10 planning, design, and funding by all state agencies.

11 (b) Notwithstanding any other provision of this section, the
12 board may adopt the “Final Base Reuse Plan” prepared by the Fort
13 Ord Reuse Group as the Fort Ord Reuse Plan for purposes of this
14 title. The plan adopted pursuant to this subdivision may serve as
15 the Fort Ord Reuse Plan until July 1, 1996. The board may prepare
16 elements described in subdivision (c) that are generally consistent
17 with the adopted plan. After July 1, 1996, only a plan containing
18 the required elements and fully satisfying the requirements of this
19 title shall serve as the Fort Ord Reuse Plan.

20 (c) The Fort Ord Reuse Plan shall include all of the following
21 elements:

22 (1) A land use plan for the integrated arrangement and general
23 location and extent of, and the criteria and standards for, the uses
24 of land, water, air, space, and other natural resources within the
25 area of the base. The land use plan shall designate areas of the base
26 for residential, commercial, industrial, and other uses, and may
27 specify maximum development intensities and other standards and
28 criteria. The land use plan shall provide for public safety.

29 (2) A transportation plan for the integrated development of a
30 system of roadways, transit facilities, air transportation facilities,
31 and appurtenant terminals and other facilities for the movement
32 of people and goods to, from, and within the area of the base.

33 (3) A conservation plan for the preservation, development, use,
34 and management of natural resources within the area of the base,
35 including, but not limited to, soils, shoreline, scenic corridors along
36 transportation routes, open spaces, wetlands, recreational facilities,
37 historical facilities, and habitat of, or for, exceptional flora and
38 fauna.

39 (4) A recreation plan for the development, use, and management
40 of the recreational resources within the area of the base.

1 (5) A five-year capital improvement program that complies with
2 the requirements of Section 65403. The program shall include an
3 allocation of the available water supply, sewage treatment capacity,
4 solid waste disposal capability, and other limited public service
5 capabilities among the potential developments within the area of
6 the base. The program shall also identify both of the following:

7 (A) Base-wide facilities identified pursuant to Section 67679.

8 (B) Local facilities that are in the county or a city with territory
9 occupied by Fort Ord and that primarily serve residents of the
10 county or that city.

11 (d) In addition to the plan elements required pursuant to
12 subdivision (c), the plan may also include any element or subject
13 specified in Section 65302.

14 (e) The Fort Ord Reuse Plan may provide for development to
15 occur in phases, with criteria concerning public facility
16 development and other factors that must be satisfied within each
17 time phase.

18 (f) In preparing, adopting, reviewing, and revising the reuse
19 plan, the board shall be consistent with approved coastal plans, air
20 quality plans, water quality plans, spheres of influence, and other
21 county-wide or regional plans required by federal or state law,
22 other than local general plans, including any amendments
23 subsequent to the enactment of this title, and shall consider all of
24 the following:

25 (1) Monterey Bay regional plans.

26 (2) County and city plans and proposed projects covering the
27 territory occupied by Fort Ord or otherwise likely to be affected
28 by the future uses of the base.

29 (3) Other public and nongovernmental entity plans and proposed
30 projects affecting the planning and development of the territory
31 occupied by Fort Ord.

32 (g) On and after July 1, 2020, there shall be no additions to the
33 plan required pursuant to this section, including the capital
34 improvement program required pursuant to paragraph (5) of
35 subdivision (c).

36 ~~SEC. 11.~~

37 *SEC. 12.* Section 67675.2 of the Government Code is amended
38 to read:

39 67675.2. (a) After the board has adopted a reuse plan, each
40 county or city with territory occupied by Fort Ord shall submit its

1 general plan or amended general plan to the board, which satisfies
2 both of the following:

3 (1) The plan is submitted pursuant to a resolution adopted by
4 the county or city, after a noticed public hearing, that certified that
5 the portion of the general plan or amended general plan applicable
6 to the territory of Fort Ord is intended to be carried out in a manner
7 fully in conformity with this title.

8 (2) It contains, in accordance with guidelines established by the
9 board, materials sufficient for a thorough and complete review.

10 (b) This section shall remain in effect only until July 1, 2020,
11 and as of that date is repealed.

12 ~~SEC. 12.~~

13 *SEC. 13.* Section 67675.3 of the Government Code is amended
14 to read:

15 67675.3. (a) The board shall, within 90 days after the submittal,
16 after a noticed public hearing, either certify or refuse to certify, in
17 whole or in part, the portion of the general plan or amended general
18 plan applicable to the territory of Fort Ord.

19 (b) Where a general plan or amended general plan is refused
20 certification, in whole or in part, the board shall provide a written
21 explanation and may suggest modifications, which, if adopted and
22 transmitted to the board by the county or a city, will allow the
23 amended general plan to be deemed certified upon confirmation
24 of the executive officer of the board. The county or a city may
25 elect to meet the board’s refusal of certification in a manner other
26 than as suggested by the board and may then resubmit its revised
27 general plan to the board. If the county or a city requests that the
28 board not recommend or suggest modifications which if made will
29 result in certification, the board shall refuse certification with the
30 required findings.

31 (c) The board shall approve and certify the portions of a general
32 plan or amended general plan applicable to the territory of Fort
33 Ord, or any amendments thereto, if the board finds that the portions
34 of the general plan or amended general plan applicable to the
35 territory of Fort Ord meets the requirements of this title, and is
36 consistent with the Fort Ord Reuse Plan.

37 (d) This section shall remain in effect only until July 1, 2020,
38 and as of that date is repealed.

1 ~~SEC. 13.~~

2 *SEC. 14.* Section 67675.4 of the Government Code is amended
3 to read:

4 67675.4. (a) Within 30 days after the certification of a general
5 plan or amended general plan, or any portion thereof, the board
6 shall, after consultation with the county or a city, establish a date
7 for that county or city to submit the zoning ordinances, zoning
8 district maps, and, where necessary, other implementing actions
9 applicable to the territory of Fort Ord.

10 (b) If the county or a city fails to meet the schedule established
11 pursuant to subdivision (a), the board may waive the deadlines for
12 board action on submitted zoning ordinances, zoning district maps,
13 and, where necessary, other implementing actions, as set forth in
14 Section 67675.5.

15 (c) This section shall remain in effect only until ~~July 1,~~ *July 1,*
16 2020, and as of that date is repealed.

17 ~~SEC. 14.~~

18 *SEC. 15.* Section 67675.5 of the Government Code is amended
19 to read:

20 67675.5. (a) The county and cities shall submit to the board
21 the zoning ordinances, zoning district maps, and, where necessary,
22 other implementing actions applicable to the territory of Fort Ord
23 that are required pursuant to this title.

24 (b) The board may only reject zoning ordinances, zoning district
25 maps, or other implementing actions on the grounds that they do
26 not conform with, or are inadequate to carry out, the provisions of
27 the certified general plan applicable to the territory of Fort Ord. If
28 the board rejects the zoning ordinances, zoning district maps, or
29 other implementing actions applicable to the territory of Fort Ord,
30 it shall give written notice of the rejection specifying the provisions
31 of the general plan with which the rejected zoning ordinances do
32 not conform or which it finds will not be adequately carried out,
33 together with its reasons for the action taken.

34 (c) The board may suggest modifications in the rejected zoning
35 ordinances, zoning district maps, or other implementing actions,
36 which, if adopted by the county or cities and transmitted to the
37 board, shall be deemed approved upon confirmation by the
38 executive officer of the board.

39 (d) The county or cities may elect to meet the board's rejection
40 in a manner other than as suggested by the board and may then

1 resubmit its revised zoning ordinances, zoning district maps, and
2 other implementing actions to the board.

3 (e) This section shall remain in effect only until July 1, 2020,
4 and as of that date is repealed.

5 ~~SEC. 15.~~

6 *SEC. 16.* Section 67675.6 of the Government Code is amended
7 to read:

8 67675.6. (a) Except for appeals to the board, as provided in
9 Section 67675.8, after the portion of a general plan applicable to
10 Fort Ord has been certified and all implementing actions within
11 the area affected have become effective, the development review
12 authority shall be exercised by the respective county or city over
13 any development proposed within the area to which the general
14 plan applies.

15 (b) Subdivision (a) shall not apply to any development proposed
16 or undertaken on any tidelands, submerged lands, or on public
17 trust lands, whether filled or unfilled, lying within the coastal zone.

18 (c) This section shall remain in effect only until July 1, 2020,
19 and as of that date is repealed.

20 ~~SEC. 16.~~

21 *SEC. 17.* Section 67675.7 of the Government Code is amended
22 to read:

23 67675.7. (a) After the board has certified a general plan or an
24 amended general plan, any amendments to that certified plan that
25 are applicable to the territory of Fort Ord shall take effect only
26 upon certification in the same manner as for the initially certified
27 plan, as provided in this title.

28 (b) This section shall remain in effect only until July 1, 2020,
29 and as of that date is repealed.

30 ~~SEC. 17.~~

31 *SEC. 18.* Section 67675.8 of the Government Code is amended
32 to read:

33 67675.8. (a) After the board has adopted a reuse plan pursuant
34 to this title, any revision or other change to that plan which only
35 affects territory lying within the jurisdiction of one member agency
36 may only be adopted by the board if one of the following conditions
37 is satisfied:

38 (1) The revision or other change was initiated by resolution
39 adopted by the legislative body of the affected member agency
40 and approved by at least a majority affirmative vote of the board.

1 (2) The revision or other change was initiated by the board or
2 any entity other than the affected member agency and approved
3 by at least a two-thirds affirmative vote of the board.

4 (b) (1) Notwithstanding any provision of law allowing any city
5 or county to approve development projects, no local agency shall
6 permit, approve, or otherwise allow any development or other
7 change of use within the area of the base that is not consistent with
8 the plan as adopted or revised pursuant to this title. Except as
9 required by state or federal law, other than state law authorizing
10 cities and counties to approve development projects, the board
11 shall be the final judge of this consistency with the requirements
12 of this title. The board may adopt regulations to ensure compliance
13 with the provisions of this title. No local agency shall permit,
14 approve, or otherwise allow any development or other change of
15 use within the area of the base that is outside the jurisdiction of
16 that local agency.

17 (2) Subject to the consistency determinations required pursuant
18 to this title, each member agency with jurisdiction lying within
19 the area of Fort Ord may plan for, zone, and issue or deny building
20 permits and other development approvals within that area. Actions
21 of the member agency pursuant to this paragraph may be reviewed
22 by the board on its own initiative, or may be appealed to the board.
23 Under no circumstances shall development approvals of the
24 following categories be held to be inconsistent with the Fort Ord
25 Reuse Plan:

26 (i) The construction of one single family house or one multiple
27 family house not exceeding four units on a vacant lot within an
28 area appropriately designated in the plan.

29 (ii) Improvements to existing single family residences or to
30 existing multiple family residences not exceeding four units,
31 including remodels or room additions.

32 (iii) Remodels of the interior of any existing building or
33 structure.

34 (iv) Repair and maintenance activities that do not result in an
35 addition to, or enlargement or expansion of, any building or
36 structure.

37 (v) Installation, testing, and placement in service or the
38 replacement of any necessary utility connection between an existing
39 service facility and development approved pursuant to this chapter.

1 (vi) Replacement of any building or structure destroyed by a
2 natural disaster.

3 (c) The board may require any public or private entity seeking
4 to initiate a revision or other change to a plan adopted pursuant to
5 this section to pay a charge or charges sufficient to cover the
6 reasonable costs of reviewing, evaluating, preparing, adopting,
7 and publishing the proposed revision or change.

8 (d) This section shall remain in effect only until July 1, 2020,
9 and as of that date is repealed.

10 ~~SEC. 18.~~

11 *SEC. 19.* Section 67675.9 of the Government Code is amended
12 to read:

13 67675.9. (a) If an environmental impact statement on the
14 closure and reuse of Fort Ord has been prepared and filed pursuant
15 to the National Environmental Policy Act of 1969 (42 U.S.C. Sec.
16 4321 et seq.), the board may proceed in the following manner:

17 (1) A notice of the preparation of an environmental impact report
18 on the Fort Ord Reuse Plan shall be prepared pursuant to either
19 Section 21080.4 or Section 21080.6 of the Public Resources Code,
20 and shall include a description of the reuse plan and a copy of the
21 environmental impact statement. The notice shall indicate that the
22 board intends to utilize the environmental impact statement as a
23 draft environmental impact report and requests comments on
24 whether, and to what extent, the environmental impact statement
25 provides adequate information to serve as a draft environmental
26 impact report, and what specific additional information, if any, is
27 necessary to comply with the California Environmental Quality
28 Act (Division 13 (commencing with Section 21000) of the Public
29 Resources Code). The notice shall also indicate the address to
30 which written comments may be sent and the deadline for
31 submitting comments.

32 (2) Upon the close of the comment period on the notice of
33 preparation, the board may proceed with preparation of the
34 environmental impact report on the reuse plan. The board shall,
35 to the greatest extent feasible, avoid duplication and utilize
36 information in the environmental impact statement consistent with
37 this division. The draft environmental impact report shall consist
38 of all or part of the environmental impact statement and any
39 additional information that is necessary to prepare a draft

1 environmental impact report in compliance with the California
2 Environmental Quality Act.

3 (3) In all other respects, the environmental impact report for the
4 reuse plan shall be completed in compliance with the California
5 Environmental Quality Act.

6 (b) This section shall remain in effect only until July 1, 2020,
7 and as of that date is repealed.

8 ~~SEC. 19.~~

9 *SEC. 20.* Section 67679 of the Government Code is amended
10 to read:

11 67679. (a) (1) The board shall identify those basewide public
12 capital facilities described in the Fort Ord Reuse Plan, including,
13 but not limited to, roads, freeway ramps, air transportation
14 facilities, and freight hauling and handling facilities; sewage and
15 water conveyance and treatment facilities; school, library, and
16 other educational facilities; and recreational facilities, that serve
17 residents or will serve future residents of the base territory and
18 could most efficiently or conveniently be planned, negotiated,
19 financed, constructed, or repaired, remodeled, or replaced by the
20 board to further the integrated future use of the base. The board
21 shall undertake to plan for and arrange the provision of those
22 facilities, including arranging for their financing and construction
23 or repair, remodeling, or replacement. The board may plan, design,
24 construct, repair, remodel, or replace and finance these public
25 capital facilities, or delegate any of those powers to one or more
26 member agencies. Notwithstanding any other provision of law, no
27 permit or permission of any kind from any city or county shall be
28 required for any project undertaken by the board pursuant to this
29 section.

30 (2) The board shall identify significant local public capital
31 facilities, as distinguished from the basewide public capital
32 facilities identified in the paragraph (1) which are described in the
33 Fort Ord Reuse Plan. Local public capital facilities shall be the
34 responsibility of the city or county with land use jurisdiction or
35 the redevelopment agency if the facilities are located within an
36 established project area and the board of the redevelopment agency
37 determines that it will assume responsibility.

38 (3) The board may construct or otherwise act to improve a local
39 public capital facility only with the consent of the city or county
40 with land use authority over the area where the facility is or will

1 be located. A city or county or a local redevelopment agency may
2 construct or otherwise act to improve a basewide public capital
3 facility only with the consent of the board.

4 (b) If all or any portion of the Fritzsche Army Air Field is
5 transferred to the City of Marina, the board shall not consider those
6 portions of the air field that continue to be used as an airport to be
7 basewide capital facilities, except with the consent of the legislative
8 body of the city. If all or any portion of the two Army golf courses
9 within the territory of Seaside are transferred to the City of Seaside,
10 the board shall not consider those portions of the golf courses that
11 continue in use as golf courses to be basewide capital facilities,
12 except with the consent of the legislative body of the city.

13 (c) The board may seek state and federal grants and loans or
14 other assistance to help fund public facilities.

15 (d) The board may, in any year, levy assessments, reassessments,
16 or special taxes and issue bonds to finance these basewide public
17 facilities in accordance with, and pursuant to, any of the following:

18 (1) The Improvement Act of 1911 (Division 7 (commencing
19 with Section 5000) of the Streets and Highways Code).

20 (2) The Improvement Bond Act of 1915 (Division 10
21 (commencing with Section 8500) of the Streets and Highways
22 Code).

23 (3) The Municipal Improvement Act of 1913 (Division 12
24 (commencing with Section 10000) of the Streets and Highways
25 Code).

26 (4) The Benefit Assessment Act of 1982 (Chapter 6.4
27 (commencing with Section 54703)).

28 (5) The Landscape and Lighting Act of 1972 (Part 2
29 (commencing with Section 22500) of Division 15 of the Streets
30 and Highways Code).

31 (6) The Integrated Financing District Act (Chapter 1.5
32 (commencing with Section 53175) of Division 2 of Title 5).

33 (7) The Mello-Roos Community Facilities Act of 1982 (Chapter
34 2.5 (commencing with Section 53311) of Part 1 of Division 2 of
35 Title 5).

36 (8) The Infrastructure Financing District Act (Chapter 2.8
37 (commencing with Section 53395) of Division 2 of Title 5).

38 (9) The Marks-Roos Local Bond Pooling Act of 1985 (Article
39 4 (commencing with Section 6584) of Chapter 5 of Division 7 of
40 Title 1).

1 (10) The Revenue Bond Act of 1941 (Chapter 6 (commencing
2 with Section 54300) of Division 2 of Title 5).

3 (11) Fire suppression assessments levied pursuant to Article 3.6
4 (commencing with Section 50078) of Chapter 1 of Part 1 of
5 Division 1 of Title 5.

6 (12) The Habitat Maintenance Funding Act (Chapter 11
7 (commencing with Section 2900) of Division 3 of the Fish and
8 Game Code).

9 Notwithstanding any other provision of law, the board may create
10 any of these financing districts within the area of Fort Ord to
11 finance basewide public facilities without the consent of any city
12 or county. In addition, until January 1, 2000, the board may, but
13 is not obligated to create, within the area of Fort Ord, any of these
14 financing districts which authorize financing for public services
15 and may levy authorized assessments or special taxes in order to
16 pass through funding for these services to the local agencies.
17 Notwithstanding any other provision of law, no city or county with
18 jurisdiction over any area of the base, whether now or in the future,
19 shall create any land-based financing district or levy any
20 assessment or tax secured by a lien on real property within the area
21 of the base without the consent of the board, except that the city
22 or county may create these financing districts for the purposes and
23 subject to any financing limitations that may be specified in the
24 capital improvement program prepared pursuant to Section 67675.

25 (e) The board may levy development fees on development
26 projects within the area of the base. Any development fees shall
27 comply with the requirements of Chapter 5 (commencing with
28 Section 66000) of Division 1 of Title 5. No local agency shall issue
29 any building permit for any development within the area of Fort
30 Ord until the board has certified that all development fees that it
31 has levied with respect to the development project have been paid
32 or otherwise satisfied.

33 (f) This section shall remain in effect only until July 1, 2020,
34 and as of that date is repealed.

35 ~~SEC. 20.~~

36 *SEC. 21.* Section 67679 is added to the Government Code, to
37 read:

38 67679. (a) (1) The board shall identify those basewide public
39 capital facilities described in the Fort Ord Reuse Plan, including,
40 but not limited to, roads, freeway ramps, air transportation

1 facilities, and freight hauling and handling facilities; sewage and
2 water conveyance and treatment facilities; school, library, and
3 other educational facilities; and recreational facilities, that serve
4 residents or will serve future residents of the base territory and
5 could most efficiently or conveniently be planned, negotiated,
6 financed, constructed, or repaired, remodeled, or replaced by the
7 board to further the integrated future use of the base. The board
8 shall undertake to plan for and arrange the provision of those
9 facilities, including arranging for their financing and construction
10 or repair, remodeling, or replacement. The board may plan, design,
11 construct, repair, remodel, or replace and finance these public
12 capital facilities, or delegate any of those powers to one or more
13 member agencies. Notwithstanding any other provision of law, no
14 permit or permission of any kind from any city or county shall be
15 required for any project undertaken by the board pursuant to this
16 section.

17 (2) The board shall identify significant local public capital
18 facilities, as distinguished from the basewide public capital
19 facilities identified in the paragraph (1) which are described in the
20 Fort Ord Reuse Plan. Local public capital facilities shall be the
21 responsibility of the city or county with land use jurisdiction or
22 the redevelopment agency if the facilities are located within an
23 established project area and the board of the redevelopment agency
24 determines that it will assume responsibility.

25 (b) The board may seek state and federal grants and loans or
26 other assistance to help fund public facilities.

27 (c) (1) The board may, in any year, levy assessments,
28 reassessments, or special taxes to finance these basewide public
29 facilities in accordance with, and pursuant to, any of the following:

30 (A) The Improvement Act of 1911 (Division 7 (commencing
31 with Section 5000) of the Streets and Highways Code).

32 (B) The Improvement Bond Act of 1915 (Division 10
33 (commencing with Section 8500) of the Streets and ~~Highway~~
34 *Highways* Code).

35 (C) The Municipal Improvement Act of 1913 (Division 12
36 (commencing with Section 10000) of the Streets and Highways
37 Code).

38 (D) The Benefit Assessment Act of 1982 (Chapter 6.4
39 (commencing with Section 54703)).

1 (E) The Landscape and Lighting Act of 1972 (Part 2
2 (commencing with Section 22500) of Division 15 of the Streets
3 and Highways Code).

4 (F) The Integrated Financing District Act (Chapter 1.5
5 (commencing with Section 53175) of Division 2 of Title 5).

6 (G) The Mello-Roos Community Facilities Act of 1982 (Chapter
7 2.5 (commencing with Section 53311) of Part 1 of Division 2 of
8 Title 5).

9 (H) The Infrastructure Financing District Act (Chapter 2.8
10 (commencing with Section 53395) of Division 2 of Title 5).

11 (I) The Marks-Roos Local Bond Pooling Act of 1985 (Article
12 4 (commencing with Section 6584) of Chapter 5 of Division 7 of
13 Title 1).

14 (J) The Revenue Bond Law of 1941 (Chapter 6 (commencing
15 with Section 54300) of Division 2 of Title 5).

16 (K) Fire suppression assessments levied pursuant to Article 3.6
17 (commencing with Section 50078) of Chapter 1 of Part 1 of
18 Division 1 of Title 5.

19 (L) The Habitat Maintenance Funding Act (Chapter 11
20 (commencing with Section 2900) of Division 3 of the Fish and
21 Game Code).

22 (2) Notwithstanding any other provision of law, the board may
23 create any of these financing districts within the area of Fort Ord
24 to finance basewide public facilities without the consent of any
25 city or county. In addition, until January 1, 2000, the board may,
26 but is not obligated to create, within the area of Fort Ord, any of
27 these financing districts which authorize financing for public
28 services and may levy authorized assessments or special taxes in
29 order to pass through funding for these services to the local
30 agencies. Notwithstanding any other provision of law, no city or
31 county with jurisdiction over any area of the base, whether now
32 or in the future, shall create any land-based financing district or
33 levy any assessment or tax secured by a lien on real property within
34 the area of the base without the consent of the board, except that
35 the city or county may create these financing districts for the
36 purposes and subject to any financing limitations that may be
37 specified in the capital improvement program prepared pursuant
38 to Section 67675.

39 (d) The board may levy development fees on development
40 projects within the area of the base. Any development fees shall

1 comply with the requirements of Chapter 5 (commencing with
2 Section 66000) of Division 1 of Title 5. No local agency shall issue
3 any building permit for any development within the area of Fort
4 Ord until the board has certified that all development fees that it
5 has levied with respect to the development project have been paid
6 or otherwise satisfied.

7 (e) This section shall become operative on July 1, 2020.

8 ~~SEC. 21.~~

9 *SEC. 22.* Section 67690 of the Government Code is amended
10 to read:

11 67690. (a) In addition to any funds received from federal and
12 state agencies for the expenses of operating the Fort Ord Reuse
13 Authority, the board may receive contributions from agencies
14 represented on the board. Each agency represented by a board
15 member shall contribute to the authority, on or before August 1
16 of each fiscal year, the sum of fourteen thousand dollars (\$14,000)
17 for each board member that the agency appoints. Each public
18 agency which is represented on the board by an ex officio member
19 shall contribute to the authority, on or before August 1 of each
20 fiscal year, the sum of seven thousand dollars (\$7,000). For
21 purposes of this section, the term “public agency” does not include
22 any elected official of the federal or state government.

23 (b) This section shall remain in effect only until July 1, 2020,
24 and as of that date is repealed.

25 ~~SEC. 22.~~

26 *SEC. 23.* Section 67700 of the Government Code is amended
27 to read:

28 67700. (a) This title shall become inoperative when the board
29 determines that 80 percent of the territory of Fort Ord that is
30 designated for development or reuse in the plan prepared pursuant
31 to this title has been developed or reused in a manner consistent
32 with the plan adopted or revised pursuant to Section 67675, or
33 June 30, 2020, whichever occurs first, and on January 1, 2021, this
34 title is repealed.

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

1 (2) The board shall approve and submit a transition plan to the
2 Monterey County Local Agency Formation Commission on or
3 before December 30, 2018, or 18 months before the anticipated
4 inoperability of this title pursuant to subdivision (a), whichever
5 occurs first. The transition plan shall assign assets and liabilities,
6 designate responsible successor agencies, and provide a schedule
7 of remaining obligations. The transition plan shall be approved
8 only by a majority vote of the board.

9 (c) This section shall remain in effect only until July 1, 2020,
10 and as of that date is repealed.

11 ~~SEC. 23.~~

12 *SEC. 24.* Section 67700 is added to the Government Code, to
13 read:

14 67700. (a) (1) This title shall become inoperative on June 30,
15 2022.

16 (2) This title shall remain in effect only until January 1, 2023,
17 and as of that date is repealed.

18 (b) No later than June 30, 2022, the authority shall negotiate
19 and secure one or more successor agencies to implement all
20 obligations under the transition plan.

21 (c) (1) The Monterey County Local Agency Formation
22 Commission shall provide for the orderly dissolution of the
23 authority once an agreement with a successor agency has been
24 finalized. The Monterey County Local Agency Formation
25 Commission shall ensure that all contracts, agreements, and pledges
26 to pay or repay money entered into by the authority are honored
27 and properly administered, and that all assets of the authority are
28 appropriately transferred.

29 (2) The board shall approve and submit a transition plan to the
30 Monterey County Local Agency Formation Commission on or
31 before December 30, 2018. The transition plan shall assign assets
32 and liabilities, designate responsible successor agencies, and
33 provide a schedule of remaining obligations. The transition plan
34 shall be approved only by a majority vote of the board.

35 (d) Upon dissolution of the authority, all remaining community
36 facilities district revenues shall be transferred to the County of
37 Monterey. The County of Monterey shall disburse those community
38 facilities district revenues to each underlying land use jurisdiction
39 on a pro rata basis, based on the source of the revenue or another

1 equitable method that the County of Monterey determines is
2 reasonable.

3 (e) If the authority has any remaining outstanding debt at the
4 time of its dissolution, property tax revenues shall continue to be
5 paid to the County of Monterey in accordance with subparagraph
6 (D) of paragraph (1) of subdivision (c) of Section 33492.71 of the
7 Health and Safety Code in an amount necessary to pay the principal
8 and interest or other amounts on that debt. Upon the dissolution
9 of the authority or the retirement of debt as provided in this
10 subdivision, whichever occurs later, any remaining property tax
11 revenues shall be transferred to the auditor-controller of the County
12 of Monterey for appropriate distribution.

13 (f) If the County of Monterey succeeds to any financial
14 obligation of the authority as a result of the disbursement of
15 remaining revenues or the retirement of debt, that obligation shall
16 not constitute a debt or liability of the county, or any other member
17 agency, but shall be payable solely from the remaining revenues
18 provided for purposes of that obligation in the transition plan.

19 (g) The County of Monterey may, before disbursing revenues
20 as provided in this section, deduct an amount equal to the
21 reasonable cost of administering this section out of the remaining
22 revenues of the authority to be disbursed.

23 (h) This section shall become operative on July 1, 2020.

24 ~~SEC. 24.~~

25 *SEC. 25.* Section 67701 is added to the Government Code, to
26 read:

27 67701. On and after July 1, 2020, all of the following shall
28 apply:

29 (a) The authority may do all of the following:

30 (1) Implement the transition plan.

31 (2) Manage the community facilities district boundaries.

32 (3) Make appropriate revisions to the boundaries of the
33 community facilities district established by the board as
34 replacement funding mechanisms are created by underlying land
35 use jurisdictions pursuant to subdivision (b). Revisions to the
36 community facilities district boundaries shall be made by filing
37 an amended map of the community facilities district.

38 (4) Collect and disburse community facilities district revenues.

39 (5) Collect and disburse property tax revenues.

1 (6) Disburse revenues described in paragraphs (4) and (5) for
2 the purposes of the habitat conservation plan, transportation, transit,
3 and water supply pursuant to Section 67675.

4 (7) Continue as the local reuse authority for purposes of the
5 federal government and property transfers, including receipt of
6 federal grant funding.

7 (8) Ensure that all pledges, contracts, or obligated payments are
8 funded and appropriately carried out.

9 (b) Any underlying land use jurisdiction may adopt a substitute
10 funding mechanism in lieu of the community facilities district
11 established by the board, in which case the board shall adjust the
12 boundaries of the community facilities district accordingly. An
13 underlying land use jurisdiction that adopts a substitute funding
14 mechanism pursuant to this subdivision shall commit, either in
15 that substitute funding mechanism or otherwise in a written
16 agreement, to continue funding regional needs in the former Fort
17 Ord on a pro rata basis, to the satisfaction of the authority. For
18 purposes of this subdivision, “regional needs” includes, but is not
19 limited to, habitat conservation, transportation, transit, and water
20 supply augmentation.

21 (c) The transition plan adopted by the board for organizational
22 changes shall be deemed to be within the scope of the Class 20
23 exemption provided by Section 15320 of Title 14 of the California
24 Code of Regulations.

25 ~~SEC. 25. Section 33492.79 is added to the Health and Safety~~
26 ~~Code, to read:~~

27 ~~33492.79. This article shall become inoperative as of the date~~
28 ~~of the dissolution of the Fort Ord Reuse Authority pursuant to~~
29 ~~Section 67700 of the Government Code or the retirement of the~~
30 ~~authority’s debt as provided in subdivision (e) of Section 67700~~
31 ~~of the Government Code, whichever occurs later.~~

32 SEC. 26. The Legislature finds and declares that a special
33 statute is necessary and that a general statute cannot be made
34 applicable within the meaning of Section 16 of Article IV of the
35 California Constitution because of the unique circumstances in the
36 County of Monterey relating to the dissolution of the Ford Ord
37 Reuse Authority.

38 SEC. 27. If the Commission on State Mandates determines
39 that this act contains costs mandated by the state, reimbursement
40 to local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O

Transition Document	By	Parties	Status	Draft to Board	Final Draft	Signed
Implementing Agreements	RGS	<ul style="list-style-type: none"> • Del Rey Oaks • Marina • Monterey • Monterey County • Seaside 	Two “draft” documents have been submitted for review by Admin Committee. Deadline for comments is June 26.	July 12	August 9	
MCWD Water Agreements	MCWD	<ul style="list-style-type: none"> • Del Rey Oaks • Marina • Seaside • Monterey • Monterey County • UC Santa Cruz • Monterey Peninsula College 	Drafts have been submitted and reviewed by Admin Committee in April and May. MCWD is finalizing with agencies.	July 12	TBD	
ESCA	RGS Seaside			August 9	September 13	

			Board review in August.			
EDC Successor	RGS		Addressed in Implementing Agreements.	July 12	August 9	
LRA Successor	RGS		Addressed in Implementing Agreements.	July 12	August 9	
HCP JPA (Cooperative)	Member Agencies	<ul style="list-style-type: none"> • Del Rey Oaks • Marina • Seaside • Monterey • Monterey County • UC Santa Cruz • Monterey Peninsula College • Veterans Cemetery • County of Monterey • California State Parks • Monterey Peninsula Regional Park District • Marina Coast Water District • Bureau of Land Management (BLM) 	Member Agencies must establish an entity and identify funding mechanisms for implementation of the HCP.	TBD		
LAFCO Liability and Risk	FORA LAFCO					
South Boundary Road Project	FORA					

Gen Jim Completion	FORA					
Local Roads	RGS		Addressed in Implementing Agreements.	July 12	August 9	
FOR A Staffing Plan	FORA RGS HR Team					

IMPLEMENTING AGREEMENT

THIS IMPLEMENTING AGREEMENT (hereinafter the "Agreement") is made as of Month Day, 2019 between the Fort Ord Reuse Authority (hereinafter "FORA") and the following Jurisdictions:

- the City of Del Rey Oaks,
- the City of Marina,
- the City of Monterey,
- the City of Seaside, and
- the County of Monterey (hereinafter the "Jurisdictions") with reference to the following facts:

RECITALS:

- A. FORA was a regional agency established under Government Code Section 67650 to plan, facilitate, and manage the transfer of former Fort Ord property from the United States Army (hereinafter the "Army") to the governing local jurisdictions or their designee(s).
- B. FORA acquired portions of the former Fort Ord from the Army, under an Economic Development Conveyance Memorandum of Agreement (hereinafter the "EDC Agreement") between FORA and the Army and dated June 20, 2000. FORA has delivered to the Jurisdiction a complete copy of the EDC Agreement, as executed in June 2020 and including amendments and attachments.
- C. FORA, as a regional agency, adopted a Base Reuse Plan in June 1997, which identified (1) environmental actions required to mitigate development and redevelopment of the former Fort Ord (hereinafter the "Basewide Mitigation Measures), and (2) infrastructure and related costs necessary to accommodate development and redevelopment of the former Fort Ord (hereinafter the "Basewide Costs").
- D. FORA was obligated by the California Environmental Quality Act, the Base Reuse Plan and the Authority Act (as defined in Section 1 below) to implement the Basewide Mitigation Measures and incur the Basewide Costs. This obligation is now transferred to the Jurisdictions effective July 1, 2022.
- E. FORA will operate in a limited capacity beginning on July 1, 2020 and will adjust operations on June 30, 2022 as provided in California Senate Bill 189 (Monning) **adopted in 2019** (hereinafter "SB189") **OR** FORA will cease operations on June 30, 2020.

WITH REFERENCE TO THE FACTS RECITED ABOVE, the Parties agree as follows:

Section 1. Definitions

The following capitalized and underscored terms have the following meanings when used in this agreement:

- a. Agreement means this Implementing Agreement.
- b. Army means the United States Army.
- c. Authority Act means, collectively, SB 899 and AB 1600 adopted in 1994, as codified at (i) Government Code Title 7.85, Chapters 1 through 7, commencing with Section 67650, and (ii) selected provisions of the California Redevelopment Law, including Health and Safety Code Sections 33492 et seq. and 33492.70 et seq. **and amended by SB189.**
- d. Base Closure Act means Section 2905(b)(4) of the Base Closure Act, as amended by

i. Section 2821 of the Defense Authorization Act for Fiscal Year 2000, No-Cost EDC Legislation - Public Law 106-65.

- e. Base Reuse Plan means the Fort Ord Base Reuse Plan and its accompanying environmental impact report adopted as certified by the FORA Board in June 1997 to guide the reuse of the former Fort Ord, all as amended from time to time.
- f. Basewide Costs means the estimated costs identified in the Base Reuse Plan for the following: FORA Reuse Operations, Net Jurisdictional Fiscal Shortfalls, Caretaker Costs, and Demolition. The Basewide Costs are more particularly described in the Fort Ord Comprehensive Business Plan and the Findings attached to the Base Reuse Plan.
- g. Basewide Mitigation Measures means the mitigation measures identified in the Base Reuse Plan. Basewide Mitigation Measures include: basewide transportation costs (local and regional); habitat management capital and operating costs; water line and storm drainage costs; public capital costs; and fire protection costs. The Basewide Mitigation Measures are more particularly described in the Fort Ord Comprehensive Business Plan, described in Section 1 (f), the Development and Resource Management Plan, and the Findings attached to the Base Reuse Plan.
- h. Interim Use means the Jurisdiction's use of transferred property prior to the Jurisdiction's establishment of a permanent use.
- i. Jurisdiction-Owned Jurisdiction Property means all of the Jurisdiction Property that the Jurisdiction acquires through FORA.
- j. Jurisdiction Property means the portions of the former Fort Ord located within the jurisdictional limits of the Jurisdiction.
- k. Sale or Lease Proceeds means the consideration received by the Jurisdiction or FORA for purposes of Sections 4d and 4e when leasing or selling a portion of the Jurisdiction-Owned Jurisdiction Property, minus any Direct Leasing Expenses and/or Direct Sale Expenses.

Section 2 Governance

Beginning on July 1, 2020 and terminating on June 30, 2022, FORA will operate on a limited basis and be governed by a board of five members composed of the following:

- (1) One member appointed by the City of Del Rey Oaks.
- (2) One member appointed by the City of Marina.
- (3) One member appointed by the City of Monterey.
- (4) One member appointed by the City of Seaside.
- (5) One member appointed by Monterey County.

Each member agency may appoint one alternate for each of its positions on the board, and each alternate shall have all the rights and authority of a board member when serving in that board member's place.

Exofficio members may include:

- (1) One representative from Marina Coast Water District.
- (2) One representative from the United States Army.
- (3) One representative from California State University Monterey Bay.

Commented [KF1]: This section would be removed should SB 189 not pass.

Each board member and each alternate shall be a member of the legislative body making the appointment, except that the alternate appointed by the Monterey County Board of Supervisors shall be a member of the board of supervisors or county staff. Board members and alternates shall serve at the pleasure of the member agency making the appointment.

The vote of a majority of the total membership of the board shall be required to pass or act upon any matter properly before the board, and each member of the board shall have one vote.

Section 3 Compliance with Water/Waste Water Allocations

The Jurisdictions agree to honor the FORA potable and recycled water allocations under the Base Reuse Plan as set forth in FORA resolution 07-01 for potable water and FORA resolution 07-10 for recycled water as follows (collectively "Allocations"), subject to compliance with all applicable laws including, but not limited to, CEQA and the Sustainable Groundwater Management Act (hereinafter the SGMA) and to work with Marina Coast Water District to establish parameters for future allocations.

Section 4. Capital Improvements: Local Roads

The Jurisdiction(s) will receive no funding from FORA post July 1, 2020/July 1, 2022 for local road improvement projects that may be required as mitigation for development by local projects. Should improvements be required due to local mitigation impacts, this would be from the agency's own resources, grants, or from developers contracting with the agency.

These include:

- Abrams Dr. (2nd Ave to Crescent Court, Marina)
- 8th St. (2nd Ave to Inter-Garrison Rd, Marina)
- Salinas Ave. (Abrams Drive to Reservation Rd, Marina)
- General Jim Moore Blvd. Intersection at South Boundary Rd. (Del Rey Oaks)
- South Boundary Rd. Upgrade (Del Rey Oaks/Monterey)
- NE-SW Connector (County), Eucalyptus Rd. (County), Intergarrison Road (County), Gigling Road (County)
- Gigling Road (Seaside)

Section 5 Capital Improvements: Regional Roads

Effective July 1, 2020/2022, the Transportation Agency of Monterey County (TAMC) will be responsible for the collection of Regional Development Impact Fees for the FORA Zone (Zone 5). TAMC's Regional Development Impact Fee collection and funding of its Regional Transportation Projects will satisfy FORA Basewide Mitigation Measures for off-site and Regional Roadway and Transit Improvements. TAMC will utilize a nexus-based fee program.

For developments within the FORA boundary that are entitled but will not be required to pay development impact fees until after the dissolution of FORA, the Jurisdiction with permitting authority over such development will either assess the Regional Development Impact Fee or collect a comparable development impact fee equal to the Regional Development Impact Fee amount and remit that amount to the Transportation Agency for Monterey County as mitigation for impacts to regional roads.

Section 6 Habitat Conservation Plan Implementation

The Jurisdiction(s) will receive no funding from FORA post **July 1, 2020/July 1, 2022** for Basewide Mitigation Measures or Basewide Costs.

It was estimated in the 2018 Transition Plan that by June 30, 2020 FORA will hold approximately \$21,000,000 in funds dedicated to habitat conservation. All such funds accumulated before FORA's dissolution shall be transferred in the following order of priority. If before FORA's dissolution a Habitat Conservation Plan Cooperative joint powers authority (the "HCP Cooperative") has been established, all of the habitat conservation funds held by FORA immediately prior to FORA's dissolution shall be transferred in their entirety to the HCP Cooperative for use in connection with the base-wide Habitat Conservation Plan for Fort Ord being administered by the HCP Cooperative. If no HCP Cooperative is then in existence, but a joint powers authority has been formed for the management of Habitat Management Areas within the former Fort Ord, then a portion of the habitat conservation funds held by FORA immediately prior to FORA's dissolution shall be transferred to the joint powers authority for use in connection with the management of Habitat Management Areas within the former Fort Ord and the remainder in a program for incidental take permits for future development.

If no HCP Cooperative or other joint powers authority for the regional management of Habitat Management Areas within the former Fort Ord is in existence prior to **DATE**, then FORA shall prepare a program to distribute funds as between long term management of the habitat management areas (HMA) on the one hand and incidental take permits for future development.

Section 7 Ordinance.

The Jurisdictions shall cooperate fully with the Army's investigation, characterization, and remediation of potential ordnance and explosives impediments to allow the reuse of the Jurisdiction Property as contemplated by the Base Reuse Plan. This will specifically include recognizing the Army's designated Agency effective July 1, 2020/July 1, 2022 and entering into a separate agreement establishing those requirements.

Section 8 Records Retention and Management

All FORA records including personnel files, documents, and meeting records will be transferred to the County of Monterey for retention and management.

Section 9 Land Transfer Reporting Requirements

At least annually, commencing with the year in which the FORA transfers a particular parcel of Fort Ord Property to a Jurisdiction and ending on the seventh (7th) anniversary of such transfer, the Jurisdiction shall submit to the County, serving as the Economic Development Corporation Successor and Local Reuse Authority Successor, a written report of the Jurisdiction's uses of all Sale or Lease Proceeds received by the Jurisdiction in connection with such parcel of Jurisdiction-Owned Jurisdiction Property and not shared previously with FORA. The Jurisdiction shall have forty-five (45) days from the anniversary of each transfer to prepare and submit its report to the County who will submit to the Army as the designated reporting agency.

Section 10 Dissolution of the Authority

Upon dissolution of the authority, all remaining community facilities district revenues shall be transferred to the County of Monterey. The County of Monterey shall disburse those community facilities district revenues to each underlying land use jurisdiction on a pro rata basis, based on the source of the revenue or another equitable method that the County of Monterey determines is reasonable.

If the authority has any remaining outstanding debt at the time of its dissolution, property tax revenues shall continue to be paid to the County of Monterey in accordance with subparagraph (D) of paragraph (1) of subdivision (c) of Section 33492.71 of the Health and Safety Code in an amount necessary to pay the principal and interest or other amounts on that debt. Upon the dissolution of the authority or the retirement of debt as provided in this subdivision, whichever occurs later, any remaining property tax revenues shall be transferred to the auditor-controller of the County of Monterey for appropriate distribution.

If the County of Monterey succeeds to any financial obligation of the authority as a result of the disbursement of remaining revenues or the retirement of debt, that obligation shall not constitute a debt or liability of the county, or any other member agency, but shall be payable solely from the remaining revenues provided for purposes of that obligation in the transition plan.

The County of Monterey may, before disbursing revenues as provided in this section, deduct an amount equal to the reasonable cost of administering this section out of the remaining revenues of the authority to be disbursed.

Section 11. Severability.

If any term of this Agreement is held in a final disposition by a court of competent jurisdiction to be invalid, then the remaining terms shall continue in full force unless the rights and obligations of the Parties have been materially altered by such holding of invalidity.

Section 12. Dispute Resolution.

Dispute resolution procedure. If any dispute arises between the Parties under this Agreement, the Parties shall resolve the dispute in accordance with this Section 17.

Duty to meet and confer. The Parties shall first meet and confer in good faith and attempt to resolve the matter between themselves. Each Party shall make all reasonable efforts to provide to the other Party all the information in its possession that is relevant to the dispute, so that both Parties have the information needed to reach agreement. If these negotiations fail to produce agreement after fifteen (15) days from the initial demand, either Party may demand mediation.

Mediation. If meeting and conferring do not resolve the dispute, then the matter shall be submitted for formal mediation to the Mediation Center of Monterey County, the American Arbitration Association, the Judicial Arbitration and Mediation Services, or such other mediation service as the parties may mutually agree upon. Either Party may terminate the mediation if it fails to produce agreement within forty-five (45) days from selection of the mediator. The expenses of such mediation shall be shared equally between the Parties.

Arbitration. If the dispute has not been resolved by mediation, and if both Parties wish to pursue arbitration, then the dispute shall be submitted to arbitration. The decision of the arbitrator or arbitrators shall be binding, unless within thirty (30) days after issuance of the arbitrator's written decision, either Party files an action in court.

- (i) Any potential arbitrator must affirmatively disclose all of his or her potential conflicts of interest, and a description of the nature of his or her past and current law practice (if applicable), before the Parties select the arbitrator. A Party may disqualify any potential arbitrator whom the Party subjectively perceives to have a conflict or bias. Any potential arbitrator must be a qualified professional with expertise in the area that is the subject of the dispute, unless the Parties otherwise agree.

- (ii) The Parties shall jointly select a single arbitrator.
- (ii) Before commencement of the arbitration, the Parties may elect to have the arbitration proceed on an informal basis; however, if the Parties are unable so to agree, then the arbitration shall be conducted in accordance with Code of Civil Procedure Sections 1280 and following, and to the extent that procedural issues are not there resolved, in accordance with the rules of the American Arbitration Association. Notwithstanding the foregoing, the requirements of Section 17 (d)(iv) shall apply.
- (iii) The arbitrator must issue a written decision setting forth the legal basis of the decision, making findings of all relevant facts and stating how the law was applied to the found facts, and the decision must be consistent with and apply the law of the State of California.

Attorney's Fees and Costs. Should the dispute of the Parties not be resolved by negotiation or mediation, and in the event it should become necessary for either Party to enforce any of the terms and conditions of this Agreement by means of arbitration, court action or administrative enforcement, the prevailing Party, in addition to any other remedy at law or in equity available to such Party, shall be awarded all reasonable cost and reasonable attorney's fees in connection therewith, including the fees and costs of experts reasonably consulted by the attorneys for the prevailing Party.

Judicial Resolution. If the dispute is not or cannot be resolved by mediation, and if there is not agreement between the Parties to pursue arbitration, then either Party may commence an action in the Superior Court of Monterey County. The prevailing Party, in addition to any other remedy at law or in equity available to such Party, shall be awarded all reasonable costs and reasonable attorney's fees, including the fees and costs of experts reasonably consulted by the attorneys for the prevailing Party.

Prevailing Party. For purposes of Sections 17(e) and (f), "prevailing Party" shall include a Party that dismisses an action for recovery hereunder in exchange for payment of the sum allegedly due, performance of covenants allegedly breached, or consideration substantially equal to the relief sought in the action or proceeding.

Section 13 Entire Agreement.

This Agreement contains the entire agreement of the Parties with respect to Jurisdiction Property. No other statement or representation by any employee, officer, or agent of either Party, which is not contained in this Agreement, shall be binding or valid.

Section 14 Multiple Originals: Counterparts.

This Agreement may be executed in multiple originals, each of which is deemed to be an original, and may be signed in counterparts.

Section 15 Modifications.

This Agreement shall not be modified except by written instrument executed by and between the Jurisdictions.

Section 16 Interpretation.

This Agreement has been negotiated by and between the representatives of all Jurisdictions, all being knowledgeable in the subject matter of this Agreement, and each Party had the opportunity to have the Agreement reviewed and drafted by their respective legal counsel. Accordingly, any rule of law (including Civil Code Section. 1654) or legal decision that would require interpretation of any ambiguities in this Agreement against the Party that has drafted it is not applicable and is waived. The provisions of this

Agreement shall be interpreted in a reasonable manner to effectuate the purpose of the Parties and this Agreement.

Section 17 Relationship of the Parties.

Nothing in this Agreement shall create a joint venture, partnership or principal-agent relationship between the Parties unless specifically provided herein.

Section 18 Waiver.

No waiver of any right or obligation of any Jurisdictions hereto shall be effective unless in writing, specifying such waiver, executed by the Party against whom such waiver is sought to be enforced. A waiver by either Party of any of its rights under this Agreement on any occasion shall not be a bar to the exercise of the same right on any subsequent occasion or of any other right at any time.

Section 19 Further Assurances.

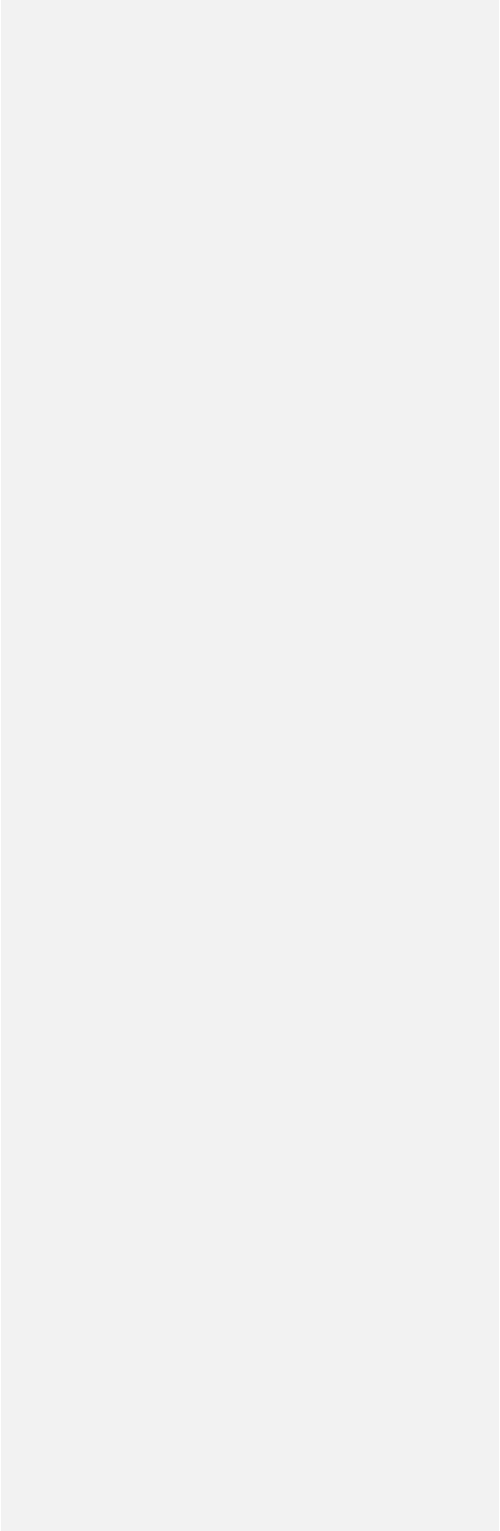
The Parties shall make, execute, and deliver such other documents, and shall undertake such other and further acts, as may be reasonably necessary to carry out the intent of this Agreement.

Section 20 Days.

As used in this Agreement, the term "days" means calendar days unless otherwise specified.

AS OF THE DATE FIRST WRITTEN ABOVE, the Parties evidence their agreement to the terms of this Agreement by signing below.

DRAFT



Attachment d to Item 8c

DRAFT ESCA TPIA

This item will be included in the final Board packet.

- END -

**DRAFT
BOARD PACKET**