Overview

• FORA Act & Transition Directive
• Transition Planning History
• Background/Context
• Chapter Presentations
• Considerations
The transition plan **shall assign assets and liabilities, designate responsible successor agencies, and provide a schedule of remaining obligations.** The transition plan shall be approved only by a majority vote of the board.

**Delivery Deadline:** 18 months prior to FORA expiration or December 30, 2018
Transition Planning History

- **2016 Process**
  - Ad hoc Task Force
  - Specific charge
  - Multiple meetings
- **Recommendation**
  - Dual tracks: Legislative extension and continue Transition Planning

- **2017 Process**
  - New Ad hoc Task Force
  - New 2017 charge
  - Multiple meetings
- **Recommendation**
  - Single successor agency, seek extension of FORA’s CFD and post-FORA obligations/liabilities are paid for using Implementation Agreement formula for completing CIP and Voting Percentage for administrative liabilities
Transition Planning History

2018 Process
- Multiple meetings March 5, 2018
- Reviewed every “Chapter”
- Worked on alternative forms of comparative analyses, including the side by side
Land Use Jurisdictions & Successor Entity will:

- Implement BRP Economic Recovery
- Implement BRP Mitigations
- Implement BRP Policies, including but not limited to, affordable housing and/or jobs/housing balances
- Collaborate to Maximize/Leverage Regional Resources
- Commit to Fair and Equitable Distribution and Contribution

FORA will:

- Implement recovery/mitigation/building removal prior to sunset
- Minimize successor liability
## Transition Summary (Expenses)

<table>
<thead>
<tr>
<th>Major Obligations</th>
<th>Assignments</th>
<th>POST-2020</th>
<th>2029</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Expenses</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transportation/Transit</td>
<td>Jurisdictions – On-site and Off-site projects; TAMC – Regional Projects and Transit or Extension of FORA</td>
<td>$132.3 M</td>
<td>0</td>
</tr>
<tr>
<td>Water Augmentation</td>
<td>MCWD/ MRWPCA/ Extension of FORA</td>
<td>$17.1 M</td>
<td>0</td>
</tr>
<tr>
<td>Habitat Management</td>
<td>Fort Ord Habitat Cooperative (JPA)</td>
<td>$45.1 M</td>
<td>0</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td></td>
<td><strong>$194.5M</strong></td>
<td>0</td>
</tr>
<tr>
<td>ESCA Program</td>
<td>New JPA or County or extension of FORA</td>
<td>$0M*</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$194.5M</strong></td>
<td><strong>$0M</strong></td>
</tr>
<tr>
<td>Administrative</td>
<td>New JPA/ All Land use/ Voting Members?</td>
<td><strong>6.6-8.8M</strong></td>
<td>0*</td>
</tr>
</tbody>
</table>
**CAPITAL IMPROVEMENT PROGRAM**

**Function/Contract**

- What does FORA do?
  - Law
  - Contract
  - Board Policy

- Why is FORA doing it?
  - Yes
  - No
  - What’s Left

- Can it be completed prior to June 2020?

- What options post FORA?
What does FORA do?
Revenue Generation, Sharing, Priorities & Basewide Improvements

Why is FORA doing it?
Law: Authority Act and CEQA (DRMP) Contracts Implement

Can it be completed prior to June 2020?
No, est. $194.5M post-2020

What options post FORA?
Extend or Replace Funding; Delegate Basewide Improvements
<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Entitled Project/Development Agreement</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marina</td>
<td>The Dunes</td>
<td>2005</td>
</tr>
<tr>
<td></td>
<td>Seahaven</td>
<td>2004</td>
</tr>
<tr>
<td></td>
<td>Cypress Knolls</td>
<td>2007</td>
</tr>
<tr>
<td>Monterey</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Del Rey Oaks</td>
<td>RV Resort</td>
<td>2016</td>
</tr>
<tr>
<td>Seaside</td>
<td>Seaside Resort</td>
<td>2005</td>
</tr>
<tr>
<td>County</td>
<td>East Garrison</td>
<td>2006</td>
</tr>
<tr>
<td>Jurisdiction</td>
<td>2020 (Entitled)</td>
<td>Post 2020 (Entitled)</td>
</tr>
<tr>
<td>--------------</td>
<td>----------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Del Rey Oaks</td>
<td>$ 42,370</td>
<td>$ 42,370</td>
</tr>
<tr>
<td>Marina</td>
<td>$ 10,640,366</td>
<td>$ 55,333,761</td>
</tr>
<tr>
<td>City of Monterey</td>
<td>$ -</td>
<td>$ 192,946</td>
</tr>
<tr>
<td>City of Seaside</td>
<td>$ 2,578,905</td>
<td>$ 2,670,964</td>
</tr>
<tr>
<td>County Of Monterey</td>
<td>$ 5,987,517</td>
<td>$ 13,980,905</td>
</tr>
<tr>
<td>UC</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 19,249,158</strong></td>
<td><strong>$ 72,220,946</strong></td>
</tr>
</tbody>
</table>
Funding Obligations

Revenues
- Land Sales/Property Tax/?: $67M
- CFD (Proposed): $55.2M
- CFD (Entitled): $72.2M
- $194.5M

Expenses
- Transportation: $132.3M
- HCP: $45.1M
- Water: $17.1M

Total Revenues: $194.5M
Total Expenses: $194.5M
FORA CFD v. NEXUS

FORA CFD

Transportation
$132.3M

HCP
$45.1M

Water
$17.8M

Residential: 90.8%
Office: .3%
Industrial: .1%
Retail: 2.4%
Hotel: 6.5%

Nexus Based Transportation

Residential: 51%
Office: 26.6%
Industrial: 3.9%
Retail: 8.5%

Nexus Based Water

Residential: 75.2%
Office: 10.9%
Industrial: .2%
Retail: 1.2%
Hotel: 12.5%
## Transportation Assignments

<table>
<thead>
<tr>
<th>Priority</th>
<th>Proj#</th>
<th>Description</th>
<th>BRP</th>
<th>LEAD</th>
<th>Program Status</th>
<th>Construction</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Notice</td>
<td>Estimated</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Start (Est)</td>
<td>Cost</td>
</tr>
<tr>
<td>1</td>
<td>FO13B</td>
<td>Northeast-Southwest Connector</td>
<td>On-Site</td>
<td>FORA</td>
<td>MoCo</td>
<td>?</td>
<td>2024-25</td>
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<tr>
<td>2</td>
<td>FO14</td>
<td>South Boundary Road Upgrade</td>
<td>On-Site</td>
<td>FORA</td>
<td>DRO</td>
<td>7/30/19</td>
<td>2019-20</td>
</tr>
<tr>
<td>4</td>
<td>FO7</td>
<td>Gigling</td>
<td>On-Site</td>
<td>FORA</td>
<td>Seaside</td>
<td>7/1/18</td>
<td>2021-22</td>
</tr>
<tr>
<td>5</td>
<td>FO9C</td>
<td>GJM Blvd</td>
<td>On-Site</td>
<td>FORA</td>
<td>DRO</td>
<td>7/1/18</td>
<td>2019-20</td>
</tr>
<tr>
<td>11</td>
<td>FO6</td>
<td>Intergarrison</td>
<td>On-Site</td>
<td>FORA</td>
<td>MoCo</td>
<td>?</td>
<td>2024-25</td>
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<tr>
<td>12</td>
<td>FO12</td>
<td>Eucalyptus Road</td>
<td>On-Site</td>
<td>FORA</td>
<td>MoCo</td>
<td>?</td>
<td>2024-25</td>
</tr>
</tbody>
</table>
## Transportation Assignments

<table>
<thead>
<tr>
<th>Priority</th>
<th>Proj#</th>
<th>Description</th>
<th>BRP</th>
<th>LEAD</th>
<th>Program Status</th>
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<th>FORA Obligation</th>
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<tbody>
<tr>
<td>6</td>
<td>10</td>
<td>Del Monte Blvd Extension</td>
<td>Off-Site</td>
<td>Marina</td>
<td></td>
<td></td>
<td>$9,900,000</td>
<td>$3,965,140</td>
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<tr>
<td>7</td>
<td>FO5</td>
<td>8th Street</td>
<td>On-Site</td>
<td>Marina</td>
<td>35% NA</td>
<td>7/1/18</td>
<td>2023-24</td>
<td>$7,000,000</td>
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<tr>
<td>16</td>
<td>FO11</td>
<td>Salinas Ave</td>
<td>On-Site</td>
<td>Marina</td>
<td>0%</td>
<td>4/1/22</td>
<td>2022-23</td>
<td></td>
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<tr>
<td>17</td>
<td>FO2</td>
<td>Abrams</td>
<td>On-Site</td>
<td>Marina</td>
<td>10% 0% 10%</td>
<td>4/1/21</td>
<td>2020-21</td>
<td></td>
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<tr>
<td>3</td>
<td>2B</td>
<td>Davis Rd south of Blanco</td>
<td>Off-Site</td>
<td>MoCo</td>
<td>100% 100% 100%</td>
<td>1/1/20</td>
<td>2022-23</td>
<td>$55,000,000</td>
</tr>
<tr>
<td>14</td>
<td>4D</td>
<td>Widen Reservation, to WG</td>
<td>Off-Site</td>
<td>MoCo</td>
<td>?</td>
<td>2027-28</td>
<td>Unknown</td>
<td>$9,569,628</td>
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<tr>
<td>15</td>
<td>4E</td>
<td>Widen Reservation-to Davis</td>
<td>Off-Site</td>
<td>MoCo</td>
<td>?</td>
<td>2027-28</td>
<td>Unknown</td>
<td>$5,344,788</td>
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<tr>
<td>18</td>
<td>1</td>
<td>Davis Rd north of Blanco</td>
<td>Off-Site</td>
<td>MoCo</td>
<td>?</td>
<td>2030</td>
<td>Unknown</td>
<td>$773,206</td>
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<tr>
<td>10</td>
<td>T22</td>
<td>Intermodal Centers</td>
<td>Transit</td>
<td>MST</td>
<td></td>
<td>2025-26</td>
<td>Unknown</td>
<td>$7,629,341</td>
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<tr>
<td>9</td>
<td>R3a</td>
<td>Hwy 1-Del Monte-Fremont-MBL</td>
<td>Regional</td>
<td>TAMC</td>
<td>?</td>
<td>Unknown</td>
<td>Unknown</td>
<td>$14,563,309</td>
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<tr>
<td>19</td>
<td>R10</td>
<td>Hwy 1-Monterey Rd. Interchange</td>
<td>Regional</td>
<td>TAMC</td>
<td>?</td>
<td>Unknown</td>
<td>Unknown</td>
<td>$3,869,476</td>
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<tr>
<td>13</td>
<td>R11</td>
<td>Hwy 156-Freeway Upgrade</td>
<td>Regional</td>
<td>TAMC</td>
<td>75% 75% 75% 75%</td>
<td>4/1/23</td>
<td>?</td>
<td>$365,000,000</td>
</tr>
</tbody>
</table>
Draft Transition Plan Overview

- Table of Contents
- Background
- Executive Summary
- Chapters
  - Administrative
  - Water/Wastewater
  - Transportation
  - Habitat
  - Financial Assets
  - Environmental Services/Clean Up
  - Miscellaneous Contracts
  - Transition Staffing
  - CEQA
- Conclusion/Considerations
- Draft Legislative Amendments
- Contract Summaries and Assignments

- Reference Materials
  - Side by Side Analysis
  - Authority Act
  - Role of Federally Recognized Local Redevelopment Authorities

6/8/2018
SUMMARY OF OBLIGATIONS

REFERENCE OF CONTRACTS MATRIX

NOTATIONS
  • ISSUES
  • TAC ISSUES/DISCUSSIONS

CONSIDERATIONS
<table>
<thead>
<tr>
<th>Contract</th>
<th>Year</th>
<th>AGREEMENT LINK</th>
<th>Asset/Liability Pledge/Obligation</th>
<th>Multi-Agency</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>County of Monterey Implementation Agreement</td>
<td>2001</td>
<td><a href="http://fora.org/Reports/ImplementAgreements/mtycty_ia.pdf">http://fora.org/Reports/ImplementAgreements/mtycty_ia.pdf</a></td>
<td>Asset</td>
<td>County of Monterey/MCWD/Habitat Cooperative/TAMC</td>
<td>1</td>
</tr>
<tr>
<td>City of Marina Implementation Agreement</td>
<td>2001</td>
<td><a href="http://fora.org/Reports/ImplementAgreements/marina_ia.pdf">http://fora.org/Reports/ImplementAgreements/marina_ia.pdf</a></td>
<td>Asset</td>
<td>MCWD/Habitat Cooperative/TAMC/County of Monterey/DRO/City of Monterey/Seaside</td>
<td>1</td>
</tr>
<tr>
<td>City of Monterey Implementation Agreement</td>
<td>2001</td>
<td><a href="http://fora.org/Reports/ImplementAgreements/monterey_ia.pdf">http://fora.org/Reports/ImplementAgreements/monterey_ia.pdf</a></td>
<td>Asset</td>
<td>MCWD/Habitat Cooperative/TAMC</td>
<td>1</td>
</tr>
<tr>
<td>City of Seaside Implementation Agreement</td>
<td>2001</td>
<td><a href="http://fora.org/Reports/ImplementAgreements/seaside_ia.pdf">http://fora.org/Reports/ImplementAgreements/seaside_ia.pdf</a></td>
<td>Asset</td>
<td>MCWD/Habitat Cooperative/TAMC/County of Monterey/Seaside</td>
<td>1</td>
</tr>
<tr>
<td>FORA-UCSC Agreement Concerning Funding of Habitat Management Related Expenses on the Fort Ord Natural Reserve</td>
<td>2005</td>
<td><a href="http://fora.org/Reports/TTF/101405_agreement_Habitat_UMBEST.PDF">http://fora.org/Reports/TTF/101405_agreement_Habitat_UMBEST.PDF</a></td>
<td>Liability</td>
<td>Continues until replaced by HCP</td>
<td></td>
</tr>
</tbody>
</table>
ADMINISTRATIVE

CalPERS

Indemnity
• **1995** Board approves FORA participation in CalPERS; negotiations ensue

• **1996** FORA establishes an alternative retirement program 401(a) qualified pension plan through ICMA

• **1997** CalPERS contract signed (2% at 60)

• **1999** CalPERS amendment (2% at 55)

• **2003** CalPERS amendment (One-Year Final Compensation; Sick Leave Credit)

• **2018** LAFCO advises requirement of Indemnification Agreement for Transition Plan
## Analysis: Function Analysis

<table>
<thead>
<tr>
<th>Analysis</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>What?</strong></td>
<td>FORA provides CalPERS to employees; FORA required to sign indemnification agreement for LAFCO</td>
</tr>
<tr>
<td><strong>Why?</strong></td>
<td>CalPERS: Contract, Board Policy and Govt. Code 67700 Indemnification: Govt. Code 67700; LAFCO requirement and Contract</td>
</tr>
<tr>
<td><strong>Options</strong></td>
<td>CalPERS: Assign any terminated liability to all jurisdictions; assign to only land holding jurisdictions; assign to a single successor Indemnification: Same as above options for CalPERS.</td>
</tr>
</tbody>
</table>
1. What is potential CalPERS liability for successor(s) to FORA?

2. Who manages LAFCO/real party in interest litigation on Transition Plan if it extends beyond 2020?

3. Who assumes responsibilities under potential settlement agreements or court judgments?

4. Can/Should FORA seek extension of various insurance policies to provide gap/statute of limitation coverage? Eg. Workers’ comp/Director coverage?

5. Who receives/maintains FORA records repository/website?
1. Administrative liabilities/obligations assigned on a voting percentage basis;
2. PERS obligations to be pre-paid to the extent possible;
3. FORA should assign existing insurance policies and any related dollars being held for those purposes. Policy renewals to be the responsibility of successor agencies;
4. FORA records to be provided to local libraries and jurisdictions; and
5. Extension of FORA with provisions to limit future CalPERS liability for past and future board members.
### Transition

1. Jurisdictions control own destiny
2. Jurisdictions choose litigation strategy
3. Potential opportunity to consolidate FORA & City’s unfunded liability to pay over 30 years

<table>
<thead>
<tr>
<th>Jurisdictions control own destiny</th>
<th>Increased CalPERS risk due to new staffing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdictions choose litigation strategy</td>
<td>Uncertain CalPERS assumptions increases liabilities</td>
</tr>
<tr>
<td>Potential opportunity to consolidate FORA &amp; City’s unfunded liability to pay over 30 years</td>
<td>Uncertain legal liability</td>
</tr>
</tbody>
</table>

### Extension

1. FORA administers and funds CalPERS obligations & other administrative functions
2. Liability risk to jurisdictions minimized
3. 115 Trust may be used for any retirement funding purpose-terminated agency unfunded liability or current liability.
4. Shared administrative costs
5. No LAFCo Indemnifications

<table>
<thead>
<tr>
<th>FORA administers and funds CalPERS obligations &amp; other administrative functions</th>
<th>Potential increase in future CalPERS obligations for continuing or new staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liability risk to jurisdictions minimized</td>
<td></td>
</tr>
<tr>
<td>115 Trust may be used for any retirement funding purpose-terminated agency unfunded liability or current liability.</td>
<td></td>
</tr>
<tr>
<td>Shared administrative costs</td>
<td></td>
</tr>
<tr>
<td>No LAFCo Indemnifications</td>
<td></td>
</tr>
</tbody>
</table>
FORA WATER/ WASTEWATER
Water/Wastewater: History

- **1993** - U.S. Army purchases 6,600 AFY of water rights from MCWRA
- **1996** - U.S. Army buys into Zone 2 and Zone 2A
- **1996** – Ord Community water purveyor selected through competitive process
- **1997** – BRP adopted w/ Public Facilities Improvement Plan (PFIP); DRMP adopted setting CEQA mitigation and initial water allocations
- **1998** - FORA Board set as Ord Community governing body until MCWD annexation
- **2000** - U.S. Army/FORA MOA requires fair and equitable share of water to all transferees and provides for first right of refusal for excess Army water/wastewater
- **2001** – Implementation Agreements with all jurisdictions requiring compliance with water allocations.
- **2001 - 2006** – Army to FORA: FORA to MCWD transfers water/wastewater rights & infrastructure
- **2005** - FORA, MRWPCA, & MCWD delineate wastewater rights & obligations
- **2007** – FORA amends potable and recycled water to jurisdictions
- **2016** – FORA/MCWD/MRWPCA RUWAP Pipeline agreement ($6M)
### Water/Wastewater: Analysis

|----------|-------|------|---------|---------|
|          | Public Representation Ord Community (5 jurisdictions) | Contract: Facilities Agreement | Full annexation not likely to be completed prior to 2020. | 1. Annexation  
2. Create Interim Representative Body for unannexed areas |
|          | Allocation of water/wastewater rights; Future water/wastewater rights | Govt. Code section 67675; 67677  
Contract: Army MOA requires fair and equitable allocation to property and provides for a First right of refusal | IA currently in effect and Army MOA after 2020 | 1. Allocations set as of 2020: modifications by contract  
2. Future first right of refusal assigned to successor(s)  
3. Assign right to allocate/modify to MCWD |
|          | Financial contribution to CEQA mitigation (Water Augmentation) | BRP CEQA Requires augmented water supply.  
Govt. 67675; 14 CCR 15370 | Augmented Water Supply Not complete by 2020 | 1. MCWD to include in new rate/capacity structure.  
2. Jurisdictions to raise funds and pay to MCWD to complete augmentation project. (IAs)  
3. Extend FORA CFD |
Water/Wastewater: Key Issues

1. How do you provide public representation of the Ord Community without the 1998 Facilities Agreement if no MCWD annexation prior to 2020?

2. How do adjustments to water allocation occur in order to ensure a fair and equitable allocation of water?

3. How do you define, approve, and pay for the Augmented Water project (a required CEQA mitigation in the BRP) currently in planning?

4. How do you ensure future water service and annexation of the entire Ord Community?

5. Should some future service areas be required to pay annexation fees? Should only new development pay capacity (i.e. augmented water supply) charges (or should the augmented water supply charge be shared on a base wide basis?)
1. The Water/Wastewater liabilities/obligations are assigned as identified in the attached spreadsheet;

2. The Implementation Agreement requirements that each land use jurisdictions must comply with the FORA water allocations is hereby assigned to MCWD;

3. MCWD be required to provide water service contracts to all FORA members who are not currently annexed into the MCWD territory;

4. MCWD required to annex all former Fort Ord lands into its service area;

5. The Right of First Refusal in the Army Memorandum of Agreement with FORA shall be assigned to those land use jurisdictions with unentitled future development: Seaside, Del Rey Oaks and City of Monterey;

6. Augmented water project activities not completed or funded by June 30, 2020 are assigned to MCWD; and

7. Alternatively, extend FORA in order to continue to raise revenues for augmented water, thus reducing the capacity fees shifted to new development.
## Transition

1. MCWD manages Water/wastewater system
2. MCWD capacity charges can replace existing finance streams
3. Existing coordination between MCWD / M1W
4. If MCWD annexation is successful, Ord Community representation is assured

## Extension

1. Elected Officials represent Ord Community
2. FORA Board Oversees Allocations
3. WWOC coordinates jurisdiction CIP’s
4. FORA CFD Fee reduces water and capacity fees for all jurisdictions
5. FORA Selects Water Augmentation Projects
6. No additional legal risk to jurisdictions

---

1. If no annexation, potential loss of Representation for the Ord Community
2. Potential litigation risk over water allocations
3. Loss of ability to leverage base wide revenue
4. Increased development capacity fees needed
5. 8 Agencies - CIP Coordination Required

---

1. Potential MCWD Annexation Litigation
2. If MCWD annexation is successful, FORA representation functions are no longer needed.
3. If MCWD annexation is successful, WWOC’s function is diminished.
Please limit your comments to the following subject matter chapters:

1. Executive Summary
2. Administrative
3. Water/Wastewater
1996 Public Facilities Improvement Program
1997 Fort Ord Regional Transportation Study
1997 Base Reuse Plan; Statement of Overriding Considerations

1997 Fort Ord Transportation Study

- Fort Ord zone as a single project
- Analysis showed Fort Ord’s cost share of individual network facilities
- Annual CIP assures adequate service levels (habitat, transportation, water, fire, storm drain) within resource constraints. DRMP 3.11.5.6
Funding the Fort Ord Network

- 2002 Community Facilities District
  - Mello Roos District, special tax, not nexus based fee
  - Eligible transportation expenditures are as identified in the Capital Improvement Program which encapsulates the Fort Ord Network expenses

- 2005 and 2017 TAMC-FORA Fee Reallocation Studies
  - Updated 1997 & 2005 Transportation Studies
  - Monitored service levels within the Network
  - Reallocated funds within the Fort Ord Zone Network
# Funded Projects

**$84,040,000 in 2018 Dollars**

## Completed Capital Improvements

<table>
<thead>
<tr>
<th>Project</th>
<th>Description</th>
<th>FORA Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>E10</td>
<td>Crescent Ave extend to Abrams</td>
<td>$415,177</td>
</tr>
<tr>
<td>F09</td>
<td>General Jim Moore Blvd</td>
<td>$30,812,841</td>
</tr>
<tr>
<td>F03</td>
<td>Imjin Parkway</td>
<td>$8,247,818</td>
</tr>
<tr>
<td>F08</td>
<td>2nd Ave</td>
<td>$5,605,525</td>
</tr>
<tr>
<td>F010</td>
<td>California Ave.</td>
<td>$2,227,906</td>
</tr>
<tr>
<td>F012</td>
<td>Eucalyptus Rd.</td>
<td>$5,328,032</td>
</tr>
<tr>
<td>-</td>
<td>South Boundary - Connector</td>
<td>$1,336,241</td>
</tr>
<tr>
<td>-</td>
<td>Reservation Road</td>
<td>$6,289,483</td>
</tr>
<tr>
<td>-</td>
<td>Blanco Road</td>
<td>$2,586,767</td>
</tr>
<tr>
<td>R12</td>
<td>Hwy 68 Operational Improvements</td>
<td>$312,205</td>
</tr>
</tbody>
</table>

**TOTAL TRANSPORTATION COMPLETED**

|                       | $52,637,299 |

**$84,040,000 in 2018 Dollars**
## Transportation: Function Analysis

### What?
Transportation: Build Basewide Capital Improvements/Revenue Generation/Revenue sharing and Prioritization

### Why?
Gov’t Code §§ 67675, 67679, 67692; Implementation Agreements

### Timing?
Not completed prior to 2020

### Options

<table>
<thead>
<tr>
<th>Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Options</strong></td>
</tr>
<tr>
<td>1. Extend FORA CFD (Revenue Generation/Sharing and Prioritization)</td>
</tr>
<tr>
<td>2. Assign roads and funding to underlying jurisdictions; identify revenue sharing obligations (Revenue Sharing)</td>
</tr>
<tr>
<td>3. Assign regional roads to TAMC. Create new Regional Impact Fee within FORA Zone Network. Revenue Share w/TAMC for entitled development.</td>
</tr>
<tr>
<td>4. Deposit development fees Escrow Account: Assign Reimbursement Agreements to Escrow Holder: funds reimbursed upon invoice/completion.</td>
</tr>
<tr>
<td>5. Use prioritization and network as outlined in 2020 CIP; or Create process for revision.</td>
</tr>
</tbody>
</table>
### Off-Site Improvements

<table>
<thead>
<tr>
<th>Proj#</th>
<th>Description</th>
<th>Obligation</th>
<th>Assignment</th>
<th>Est Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monterey County1</td>
<td>Davis Rd north of Blanco</td>
<td>773,206</td>
<td>CO</td>
<td>2025-2026</td>
</tr>
<tr>
<td>Monterey County2B</td>
<td>Davis Rd south of Blanco</td>
<td>12,849,185</td>
<td>CO</td>
<td>2022-2023</td>
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<tr>
<td>Monterey County4D</td>
<td>Widen Reservation-4 lanes to WG</td>
<td>9,569,628</td>
<td>CO</td>
<td>2025-2026</td>
</tr>
<tr>
<td>Monterey County4E</td>
<td>Widen Reservation, WG to Davis</td>
<td>5,344,788</td>
<td>CO</td>
<td>2024-2025</td>
</tr>
<tr>
<td>City of Marina 10</td>
<td>Del Monte Blvd Extension</td>
<td>3,965,140</td>
<td>MARINA</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal Off-Site</strong></td>
<td></td>
<td><strong>$ 32,501,946</strong></td>
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</table>

### On-Site Improvements

<table>
<thead>
<tr>
<th>Proj#</th>
<th>Description</th>
<th>Obligation</th>
<th>Assignment</th>
<th>Est Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Marina FO2</td>
<td>Abrams</td>
<td>1,210,655</td>
<td>MARINA</td>
<td>2019-2020</td>
</tr>
<tr>
<td>City of Marina FO5</td>
<td>8th Street</td>
<td>5,823,534</td>
<td>MARINA</td>
<td>2021-2022</td>
</tr>
<tr>
<td>FORA FO6</td>
<td>Intergarrison</td>
<td>5,115,666</td>
<td>CO</td>
<td>2021-2022</td>
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<tr>
<td>FORA FO7</td>
<td>Gigling</td>
<td>8,739,609</td>
<td>SEASIDE</td>
<td>2020-2021</td>
</tr>
<tr>
<td>FORA FO9C</td>
<td>G JM Blvd</td>
<td>1,056,168</td>
<td>DEL REY OAKS</td>
<td>2019-2020</td>
</tr>
<tr>
<td>City of Marina FO11</td>
<td>Salinas Ave</td>
<td>1,950,501</td>
<td>MARINA</td>
<td>2021-2022</td>
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<tr>
<td>FORA FO12</td>
<td>Eucalyptus Road</td>
<td>518,360</td>
<td>SEASIDE</td>
<td>2018-2019</td>
</tr>
<tr>
<td>FORA FO13B</td>
<td>Northeast-Southwest Corridor</td>
<td>19,208,225</td>
<td>CO</td>
<td>2024-2025</td>
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<tr>
<td>FORA FO14</td>
<td>South Boundary Road Upgrade</td>
<td>7,470,820</td>
<td>DEL REY OAKS</td>
<td>2019-2020</td>
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<tr>
<td><strong>Subtotal On-Site</strong></td>
<td></td>
<td><strong>$ 51,093,537</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>ON-SITE AND OFF-SITE ROADS</td>
<td>ON-SITE AND OFF-SITE ROAD FORA CFD CONTRIBUTIONS PRIOR TO 2020</td>
<td>POST 2020 REMAINING FINANCIAL OBLIGATIONS</td>
<td>CFD POST 2020 (ENTITLED ONLY)</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------------------</td>
<td>---------------------------------------------------------------</td>
<td>--------------------------------------------</td>
<td>-------------------------------</td>
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<tr>
<td>County</td>
<td>$52,087,490</td>
<td>$4,075,000</td>
<td>$48,012,490</td>
<td>$13,980,905</td>
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<tr>
<td>Del Rey Oaks</td>
<td>$8,526,988</td>
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<td>Marina</td>
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<td>$1,500,000</td>
<td>$11,849,304</td>
<td>$55,333,761</td>
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<tr>
<td>Monterey</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Seaside</td>
<td>$9,257,969</td>
<td>$1,240,000</td>
<td>$8,017,969</td>
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<tr>
<td>UC Mbest</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Totals</td>
<td>$83,221,751</td>
<td>$15,341,988</td>
<td>$67,879,763</td>
<td>$72,028,000</td>
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</tbody>
</table>

6/8/2018
1. Who completes FORA lead agency improvements?
   - South Boundary Road Upgrade
   - Intergarrison Road
   - GJ M Blvd.
   - NE-SW Corridor
   - Gigling
   - Eucalyptus Road

2. What is the schedule for FORA lead project completion?

3. What is the schedule for FORA Network completion?

4. How do we ensure Fort Ord Zone network obligations are met and monitored/reassessed?

5. How do we ensure network obligations are funded equitably?

6. How do we handle cost overruns from MEC unknowns?
1. The Transportation liabilities/obligations are assigned as identified in the attached spreadsheet;

2. Upon termination of FORA, FORA’s regional monetary obligations are transferred to TAMC and funded by TAMC’s fee structure;

3. FORA off-site reimbursement obligations are transferred to the jurisdiction where the project is located;

4. FORA lead agency improvements are transferred to the jurisdiction where the project is located; and

5. Jurisdictions create their own financing districts to pay for their own projects and deposit funds into escrow account to complete/share revenue for projects.
### Transition

- More local control, jurisdictions create their own priorities and revenue streams subject to agreement w/neighbors
- More jurisdictional vulnerability to law suits and bureaucratic delay
- Less ability to influence regional outcomes
- Neighbor jurisdictions may not be accommodating; litigation issues
- Replacement revenue generation and revenue sharing must be addressed
- Fort Ord Transportation Network may not be fully implemented

### Extension

- Current CIP reflects ORD area collective priorities
- Cooperation on road projects makes it easier to get grants and CEQA approvals
- Steady CFD revenue stream and ancillary revenues more likely to complete projects
- Cumbersome negotiations and approvals and prioritization work continues under FORA
- Single target for lawsuits
HABITAT
Habitat History

- 1996 Habitat Management Plan (HMP) submitted by US Army and approved by USFWS
- 1997 Habitat Conservation Plan/2081 Permit required for base wide HMP Implementation
- 1998-2017 Numerous draft HCP’s submitted by FORA but not approved by USFWS/CA DFW
- 2005 Additional requirements for monitoring, fiscal assurances
- 2017 Screen check draft Basewide HCP completed
- August 2018 – Anticipated public release and workshops on Basewide HCP (Pending USFWS/CA DFW review)
<table>
<thead>
<tr>
<th>Analysis</th>
<th>Habitat Management</th>
<th>Planning: Basewide HCP/2081 Permit; Jurisdictional Assistance (Eg. Oak Woodlands)</th>
<th>Financial contribution to CEQA mitigation (Habitat Conservation)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>What?</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Habitat Management</td>
<td>Planning: Basewide HCP/2081 Permit; Jurisdictional Assistance (Eg. Oak Woodlands)</td>
<td>Financial contribution to CEQA mitigation (Habitat Conservation)</td>
</tr>
<tr>
<td><strong>Why?</strong></td>
<td>Contract: HMP/MOA</td>
<td>Govt. Code section 67675; 67677</td>
<td>BRP CEQA requires Basewide implementation of HMP</td>
</tr>
<tr>
<td></td>
<td>Contract: UC Reimbursement FONR</td>
<td>Contract: Army MOA requires HMP and basewide implementation Board Policy: (Oakwoodlands)</td>
<td>Govt. 67675; 14 CCR 15370</td>
</tr>
<tr>
<td></td>
<td>Contract: MPC</td>
<td></td>
<td>Board policy CFD 30% set aside for habitat conservation/management</td>
</tr>
<tr>
<td><strong>Timing?</strong></td>
<td>Until Basewide habitat implementation in place</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Options</strong></td>
<td>1. Basewide HCP</td>
<td>1. Proceed HCP 1. New Basewide Implementation for protection of Habitat Management Areas (HMA)</td>
<td>1. HCP will require replacement revenue stream to fund the endowment for habitat protection in perpetuity</td>
</tr>
<tr>
<td></td>
<td>2. Basewide HMP Implementation alternative</td>
<td></td>
<td>2. Extend FORA CFD</td>
</tr>
<tr>
<td></td>
<td>3. Basewide HMP Implementation alternative</td>
<td></td>
<td>3. Adopt new Basewide Implementation for protection of HMA: shift costs to developers</td>
</tr>
</tbody>
</table>
Habitat: Key Issues

1. What happens if USFWS/CA DFW do not approve Basewide HCP/2081 permit prior to FORA Transition?
2. Who is the successor to a Basewide HCP/2081 permit if no Habitat Cooperative is formed?
3. How are replacement funds (approximately $45M) allocated and/or how is the endowment funded without the FORA Community Facilities District (CFD) fees?
4. What are the obligations under the HMP?
5. Is it feasible to process individual take permits with USFWS/CA DFW?
6. What are the time /development costs and can or should those costs be shifted as habitat conservation is a basewide cost/regional asset?
7. How do jurisdictions finance removal of invasive species and habitat restoration?
1. The habitat liabilities/obligations are assigned as identified in Attachment A;
2. Form the Joint Powers Authority now, in order to undertake the obligations/responsibilities; *Note, LAFCO may not assign successor liability to a JPA which is not in legal existence at the time of the order of successorship and successor status will be as identified above in the HMP;
3. If the JPA is not formed prior to LAFCO action, designate successor entities which have habitat management areas will be responsible for long term management of those areas, with provision that they may limit individual liability by participation in a future JPA for habitat management;
4. Jurisdictions deposit pro-rata share of HCP Endowment shortfall into escrow account;
5. HCP Basewide NEPA/CEQA to be completed by USFWS and FORA;
6. FORA provide staffing to the Habitat Cooperative until dissolution of FORA; and
7. Should the HCP and/or the Habitat Cooperative fail, dollars collected by FORA through 6/30/2020 (+/- $21 million) the FORA Board should consider establishing a loan pool from the collected funds to address habitat responsibilities on a project-by-project basis and set-aside funds to establish an endowment for use by the jurisdictions to perform long term habitat management.
## Habitat: Side by Side

### Transition

<table>
<thead>
<tr>
<th>Jurisdictions could withdraw or re-organize Habitat protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entire program could be at risk due to lack of funding or regulatory approval</td>
</tr>
<tr>
<td>FORA CFD revenue stream must be replaced; not a direct nexus to some developments make a CFD required or single payment required</td>
</tr>
</tbody>
</table>

### Extension

| Economies of scale by having FORA staff the early years of the cooperative |
| Steady CFD revenue stream w/ land sale & property taxes due to FORA as back up |
|Jurisdictions will eventually have to take this function over |
FINANCIAL ASSETS
1999 FORA Board authorizes basewide Development Fee (Reso 99-01)
1999 City of Marina and other jurisdictions request Implementation Agreements on how FORA will transfer property
2001 Implementation Agreements are signed with all land use jurisdictions and others receiving property
2002 Board authorizes a Community Facilities District special tax over majority of base
<table>
<thead>
<tr>
<th>Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>What?</strong></td>
</tr>
<tr>
<td><strong>Why?</strong></td>
</tr>
<tr>
<td><strong>Timing?</strong></td>
</tr>
</tbody>
</table>
| **Options** | 1. Jurisdictions replace FORA revenue streams and provide revenue transfer to agencies completing the program. Issues about collection from entitled development remain.  
2. Extend the FORA financing mechanism (contains both revenue generation and revenue sharing).  
3. Break down the program: transfer replacement funding obligation to those entities completing the program. May result in funding deficits and program incompletion. |
1. Post 2020 how are revenues generated to ensure completion of BRP obligations/liabilities?
   • If new financing mechanisms are required, how do we capture and assess already entitled development? (Approximately $72M)

2. If replacement CFD revenues are generated, how are revenue transfers handled to compensate/reimburse surrounding jurisdictions for their portions of the base wide costs and mitigation measures?

3. Can the development fee be assigned to successor for the areas not covered by the CFD?

4. Can the Implementation Agreements be assigned and do they require the jurisdictions by contract to finish the Base wide Costs and Mitigation measures as identified in the CIP?
   • Does assignment require the Land Use Jurisdictions to adopt new development fees and/or mechanisms to replace the Property Tax and Development Fees collected by FORA?
1. Assign Financial documents as outlined in spreadsheet;
2. Any financial shortfalls related to completion of the FORA BRP/CIP are under the existing Implementation Agreements assigned to the jurisdictions on a pro-rata basis;
3. An escrow account will be set up and the former FORA land use jurisdictions will deposit their pro-rata share of basewide obligations in the escrow account and jointly administer disbursements;
4. Should the FORA CFD or other financing streams be extended for any period of time, any resultant revenues would be deposited into the escrow account, reducing jurisdictional obligations by their pro-rata share; and
5. Jurisdictions or successor Board would be free to negotiate any future revenue sharing agreements.
## Transition

- New financing mechanisms.
- Provides opportunity to add items not currently financed.
- Provide opportunity to adjust assessment basis (sf etc.).
- Creates a vehicle for new contracts with developers.

## Extension

- Financing mechanism exists
- Tax preserves Land Use Costs (Housing/Jobs)
- Entitled development subject to fees
- No legal challenges
- Maintains basewide costs model (Fairness/Equity)

## Transition

- Legal limitations (Nexus)
- Shifts land use costs (Housing to Job)
- Entitled development may not be subject to new fees
- Shifts fairness and equity b/t Jurisdictions (Eliminates basewide costs concept)
- Time/cost w/creation of new mechanisms
- New fees litigation challenges

## Extension

- CFD requires vote to make changes
- CFD boundaries include residents who will not owe tax
2004 Army informs munitions removal delay
2005 FORA Board decides to negotiate ESCA
2007 ESCA/AOC authorizing early transfer
2008 Governor signs/Early Transfers occur
2008 MOA/Jurisdictions/ FORA re ESCA
2008-2015 Clean up proceeds
2015-2019 Land Use Controls/ property transfers
<table>
<thead>
<tr>
<th>Analysis</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>What?</strong></td>
<td>Contractor to Army performing MEC cleanup on 3,340 acres</td>
</tr>
<tr>
<td><strong>Why?</strong></td>
<td>Board policy (Early Transfer) and Army Contract</td>
</tr>
<tr>
<td><strong>Timing?</strong></td>
<td>Most of work will be complete by 2019. Post 2020 work consists of land use controls: UXO Training, construction support, Transfer monitoring. Response review and evaluation, LUCIP reporting, Liaison between Jurisdictions and Regulators/Army</td>
</tr>
</tbody>
</table>
| **Options** | 1. Single Entity: Monterey County/Seaside/Marina or JPA (By Contract)  
2. Extend FORA |
• Who will be ESCA’s successor?
• How will successor and other jurisdictions share the ESCA resources and responsibilities?
• Will the ESCA funds, priced for a single coordinated entity to manage and implement be sufficient to support another management structure?
• What agreements need to be in place to share the ESCA resources?
• What additional management structure will the successor need to develop/implement to manage the ESCA?
• Where will ESCA office be for appropriate access to support requirements?
1. The Environmental assets/liabilities/obligations are assigned as identified in the attached spreadsheet;
2. County/Seaside form ESCA JPA as single contact with Army;
   - JPA receives remaining FORA funds, contractual reimbursement agreements with Army, or insurance policies; and/or
3. FORA extension with limited ESCA function to complete Army contract.
### Transition

| FORA Lite can extend to retain staff to complete ESCA work |
| FORA ESCA employees can be housed by County |

| ESCA function has also required expertise of Exec. Officer and other employees to function |
| Someone has to cover transferred employees salary, benefits, PERS; |
| ESCA may be able to be transferred to County to cover employees insurance & program costs. |

### Extension

| US Army requires one entity to represent the public |
| FORA has a series of agreements w/ Amy, EPA & State of California that will not be easy to assign |

| Limited extension is inefficient and FORA Lite does not provide economies of scale if it is overly “Lite”. |
Please limit your comments to the following subject matter chapters:

1. Transportation
2. Habitat
3. Financial Assets
4. Environmental Services
MISCELLANEOUS CONTRACTS
1. **Building Removal**
   - 2000 – FORA enters Implementation Agreements identifying certain level of building removal
   - 2002 Board policy authorizes provision of assistance to jurisdictions for building removal to encourage base recovery

2. **Veteran’s Cemetery Contract**
   - Who manages and oversees Veterans’ affairs and endowment parcel for cemetery expansion.

3. **Judgments (Settlement Agreements/Writs)**
   - 1997 – Sierra Club sues over adoption of Base Reuse Plan. Settlement Agreement reached and in 1998 Board adopts Chapter 8 of Master Resolution.
   - 1998 – Board authorizes litigation against CSU. Marina joins lawsuit.
     - 2009 - Case goes to Supreme Court and ultimately return to writ issues resolved in Settlement Agreement

4. **Pending Litigation**
   1. 2017 – KFOW sues FORA related to engineer hire on Southboundary Road
   2. 2018 – MCP sues FORA related to reimbursement claim for building removal
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Removal/Infrastructure Reimbursement</strong></td>
<td></td>
<td>Board policy and contracts</td>
<td>Most likely not prior to 2020. FORA’s obligation on these contracts complete</td>
<td>Assign to a jurisdiction to complete FORA’s obligations</td>
</tr>
<tr>
<td><strong>Veteran’s Cemetery Contract</strong></td>
<td></td>
<td>Board policy and contract</td>
<td>Most likely not prior to 2020.</td>
<td>Assign to a jurisdiction to complete FORA’s obligations</td>
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<tr>
<td><strong>Settlement Agreements/Writs</strong></td>
<td>Contract and Court Direction</td>
<td>Continuing post 2020</td>
<td></td>
<td>Assign to successor;</td>
</tr>
<tr>
<td><strong>Pending Litigations</strong></td>
<td>Board policy/Law</td>
<td>Most likely not prior to 2020</td>
<td></td>
<td>Assign successor to 1) direct litigation; and 2) allocate costs based lawsuit by lawsuit to underlying jurisdictions</td>
</tr>
</tbody>
</table>
1. Who will be FORA’s successor for purposes of monitoring Settlement Agreements/writ compliance?

2. Who will pay Litigation/Attorneys’ fees and costs awarded subsequent to 6-30-2020?

3. What happens to pending litigation post-2020?

4. Who manages pending litigation post 2020?
1. The Miscellaneous assets/liabilities/obligations are assigned as identified in the attached spreadsheet;
2. Upon dissolution, any unspent FORA indemnification reserve accounts will be transferred to a post-FORA indemnification fund to be administered by the former FORA jurisdictions;
3. Any additional FORA dollars may be transferred from the escrow account to the indemnification fund by the former FORA land use jurisdictions; and
4. Any obligations/liabilities (e.g. litigation defense, settlement agreements, writ) that exceed the amount of funds available to the indemnification fund would become the responsibility of the former FORA jurisdictions.
## Transition

1. May provide some home rule flexibility as enforcement will be unclear/uncertain.
2. May lead to additional litigation risk and costs if no consensus on application/interpretation of provisions.
3. Uncertainty may affect future development potential.

## Extension

1. Provides a regional forum to address issues.
2. Provides opportunity for spreading costs on a basewide basis.
1. FORA is a target.
TRANSITION STAFFING
Staffing

2017 2020 2025

FTE

16 FTE 10-12FTE 4-5FTE

• Administration
• Accounting/HR
• CIP
• Planning
• Project Management
• ESCA

2030

2 FTE

• Administration
• Accounting/HR
• ESCA
• Monitoring/Annual Meeting

Full Staffing
## Transition Staffing: History

<table>
<thead>
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<th>Staffing</th>
<th>FUNCTIONS</th>
<th>2018</th>
</tr>
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<td>Administration (5)</td>
<td>Board Packets/Minutes/Agendas/Committees</td>
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</tr>
<tr>
<td></td>
<td>Phone</td>
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</tr>
<tr>
<td></td>
<td>Records Management/Archiving/PRAs</td>
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<tr>
<td></td>
<td>Facilities Management (office supplies, utilities, service contracts)</td>
<td>0.25</td>
</tr>
<tr>
<td></td>
<td>IT/Website/Communications (video audio meeting support and conferencing)</td>
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<tr>
<td></td>
<td>Grants/Ext-Int Mgt/Fed-state interaction/Board meetings</td>
<td>1</td>
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<tr>
<td></td>
<td>Dept-Supervision/E/O back up</td>
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<tr>
<td></td>
<td>Veterans Issue Advisory / Military Veteran Community Relations</td>
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<tr>
<td>Accounting/HR (3)</td>
<td>Budget/A/R-A/P/Banking/Investments/Audit/Reporting</td>
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<tr>
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<td>Payroll/Benefits</td>
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<tr>
<td></td>
<td>Personnel/Policies/Guidelines/Community information /OSHA</td>
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</tr>
<tr>
<td>Economic Development(1.5)</td>
<td>Real Estate/Housing/Business Development/Reporting</td>
<td>1</td>
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<td>Staffing</td>
<td>FUNCTIONS</td>
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<td>HCP</td>
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<td>Water Augmentation/Coordination</td>
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<td>Totals: (16.5)</td>
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<td>17.75</td>
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</table>
1. How are key employees retained to accomplish the Sunset Work Plan?
   - Consider a retention/severance program.
   - Employees completing key functions shall receive a retention bonus for completing work during last work year prior to Sunset.
   - Functions which are no longer required, consider an early departure severance.

2. How will post Sunset ramp down be accomplished?
   - EG. Who handles revenue collection of revenues and distribution and accounting? Audit? Payroll records-W-2, etc.
1. Staffing to be managed by the Executive Officer with HR Consultant on Reduction/Retention of workforce recommendations; and

2. Upon FORA dissolution, overall staffing falls to 2 FTE’s for 6 months to complete essential accounting functions, W-2’s, etc. Alternative is to contract with an accounting firm to cover any vacancies.
### Transition Staffing: Side by Side

#### Transition

- Possible reduction in CalPERS liability
- Ramp down begins consistent with workload function shifts
- Potential to retain key personnel within land use jurisdictions

#### Extension

- Staffing ramp down begins consistent with workload function shifts
- Potential reduction in CalPERS liabilities consistent with contract amendments

- Loss of key personnel to complete as much as possible prior to 2020
- Potential increase in CalPERS costs to successor agencies by workload shifts

Key personnel may require CalPERS benefits to continue working

6/8/2018
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
CEQA Process Flow Chart

Public Agency determines whether the activity is a "project".

- Project
  - Project is ministerial
    - No possible significant effect
    - Statutory exemption
    - Categorical exemption

- Not Exempt
  - Public agency evaluates project to determine if there is a possibility that the project may have a significant effect on environment.
    - Possible significant effect
      - Determination of lead agency where more than one public agency is involved.
        - Responsible Agency
          - Respond to informal consultation
        - Lead Agency
          - Lead agency prepares initial study
          - Lead agency decision to prepare EIR or Negative Declaration
          - Consultation
            - Lead agency sends Notice of Preparation to responsible agency
            - Lead agency prepares draft EIR
            - Lead agency files Notice of Completion and gives public notice of availability of draft EIR
            - Consultation
              - Lead agency prepares final EIR including responses to comments on draft EIR
              - Consideration and approval of final EIR by decision-making body
              - Findings on feasibility of reducing or avoiding significant environmental effects
              - Decision on project

- Notice of Exemption may be filed
  - No further action required under CEQA

State Agencies
- File Notice of Determination with Office of Planning & Research

Local Agencies
- File Notice of Determination with County Clerk
1. Transition Plan is not a project.

2. Alternatively, if it is determined to be a project, approval of Transition Plan is a ministerial act.

The preparation, approval and submission of the Transition Plan is not subject to CEQA.
CEQA Process Flow Chart

Public Agency determines whether the activity is a "project"

- Project
  - Public Agency determines if the project is exempt
    - Not Exempt
      - Public agency evaluates project to determine if there is a possibility that the project may have a significant effect on environment
        - Notice of Exemption may be filed
        - No further action required under CEQA
    - Project is ministerial
      - No possible significant effect
      - Statutory exemption
      - Categorical exemption
        - Not a project
          - Project
CONCLUSIONS/ CONSIDERATIONS
Policy Considerations

- **COMPLETE THE ECONOMIC RECOVERY**
  - Base wide costs and base wide mitigations
  - What and When

- **REVENUE GENERATION**
  - Continue existing financing or
  - New System

- **REVENUE SHARING**
  - Decide how to share revenues between those that generate the revenues and those providing the basewide costs and mitigation measures

- **POLICY ENFORCEMENT**
  - What policies and how?
## Multiple Agency Function Transfer

<table>
<thead>
<tr>
<th>Function</th>
<th>Receiving Agency</th>
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<tbody>
<tr>
<td>Regional Transportation</td>
<td>TAMC</td>
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<tr>
<td>Offsite Transportation</td>
<td>Jurisdictions</td>
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<tr>
<td>Onsite Transportation</td>
<td>Jurisdictions</td>
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<tr>
<td>Water Augmentation</td>
<td>MCWD/Monterey 1</td>
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<td>Water Rights/Service</td>
<td>MCWD</td>
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<td>Wastewater</td>
<td>MCWD/Seaside Sanitation</td>
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<tr>
<td>Habitat Conservation Plan</td>
<td>HCP Cooperative</td>
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<tr>
<td>Army/DTSC/EPA ESCA Reporting</td>
<td>County/JPA</td>
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<tr>
<td>Building Removal</td>
<td>Jurisdictions</td>
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<tr>
<td>BRP/Consistency</td>
<td>Jurisdictions</td>
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<tr>
<td>Administration/PERS</td>
<td>Fully Funded by 2020</td>
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6/8/2018
## Devolution Function Transfers

### Function

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<thead>
<tr>
<th>Regional Transportation</th>
<th>TAMC/Jurisdictions</th>
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<tr>
<td>Offsite Transportation</td>
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<tr>
<td>Onsite Transportation</td>
<td>JPA* / Jurisdictions</td>
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<td>MCWD/Jurisdictions</td>
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<td>MCWD/Seaside Sanitation*</td>
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<td>Habitat Conservation Plan</td>
<td>HCP Cooperative/J PA</td>
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<td>Administration/PERS</td>
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</tbody>
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6/8/2018
1. Board Composition. Same or amended?
2. Voting: Unanimous or majority first?
3. Limit Functions:
   - ESC A?
   - CFD Financing District?
   - Capital Improvement Program?
   - Policy Compliance
     - Prevailing Wage?
     - Consistency Determinations?
Consider extending the FORA Act for following limited purposes:
1. Ongoing financing (Revenue Sharing and Prioritization)
2. Munitions Response

Negotiate additional modifications to FORA policies and structure separately as state legislation is not needed for most changes.
<table>
<thead>
<tr>
<th><strong>Function</strong></th>
<th><strong>Receiving Agency</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Transportation</td>
<td>FORA (FUNDING)/ TAMC</td>
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<tr>
<td>Offsite Transportation</td>
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<td>Wastewater</td>
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<td>Habitat Conservation Plan</td>
<td>FORA FUNDING/HCP Cooperative/J PA</td>
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<td>Army/DTSC/EPA ESCA Reporting</td>
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<td>Administration/PERS</td>
<td>FORA* Terminated Agency liability Fully Funded by 2020;</td>
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<td>modify contract/employee contributions</td>
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</table>
Please limit your comments to the following subject matter chapters:

1. Miscellaneous
2. Transition Staffing
3. CEQA
4. Considerations