



# FORT ORD REUSE AUTHORITY

## REGULAR MEETING

### FORT ORD REUSE AUTHORITY (FORA) BOARD OF DIRECTORS

Friday, April 12, 2019 at 2:00 p.m. | 910 2<sup>nd</sup> Avenue, Marina, CA 93933 (Carpenters Union Hall)

## AGENDA

**ALL ARE ENCOURAGED TO SUBMIT QUESTIONS/CONCERNS BY NOON APRIL 11, 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): Keep Fort Ord Wild v. Fort Ord Reuse Authority. Monterey County Superior Court Case No.: 17CV004540, Pending Litigation.
- b. 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
- c. 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 March 8, 2019 Meeting Minutes ([p.1](#))  
**Recommendation:** Approve March 8, 2019 meeting minutes.
- b. Approve March 15, 2019 Special Meeting Minutes ([p.7](#))  
**Recommendation:** Approve March 15, 2019 meeting minutes.
- c. Approve March 21, 2019 Special Meeting Minutes ([p.9](#))  
**Recommendation:** Approve March 21, 2019 meeting minutes.
- d. Administrative Committee ([p.11](#))  
**Recommendation:** Receive a report from the Administrative Committee.
- e. Veterans Issues Advisory Committee ([p.16](#))  
**Recommendation:** Receive a report from the Veterans Issues Advisory Committee (VIAC).

- f. Water/Wastewater Oversight Committee (p.20)  
**Recommendation:** Receive a report from the Water/Wastewater Oversight Committee (WWOC).
- g. Building Removal Quarterly Update (p.25)  
**Recommendation:** Receive a quarterly report on building removal.
- h. Resolution fixing the Employer Contribution under the Public Employee’s Medical and Hospital Care Act (p.27)  
**Recommendation:** Adopt Resolution No. 19-XX titled “Fixing the Employer’s Contribution at Unequal Amounts for Employees and Annuitants under the Public Employees’ Medical and Hospital Care Act (PEMHCA)” updating Fort Ord Reuse Authority’s (FORA) contribution to employees’ health premium (Attachment A), approved on March 8, 2019.
- i. Public Correspondence to the Board (p.30)  
**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. ESCA Quarterly Report (p.31)  
**Recommendation:**
  - i. Receive an Environmental Services Cooperative Agreement (ESCA) Status Report.
  - ii. Adopt Resolution 19-XX (**Attachment A**), Resolution of The Fort Ord Reuse Authority (“FORA”) Finding That: 1) Contractors Arcadis, Westcliffe Engineers, Inc. And Weston Solutions, Inc. Are Uniquely Qualified To Provide Long-Term Obligation Support Services Until 2028 Pursuant To An Amendment To The Environmental Services Cooperative Agreement (“ESCA”), Between The U.S. Army (“Army”) And FORA; 2) The Issuance Of A Request For Proposals To These Uniquely Qualified Firms To Propose Terms For the Provision Of These Support Services Is Appropriate; And 3) The Executive Officer Is Authorized To Enter Into A Contract For Said Services On A Limited Competition Basis.
- b. 2018 Transition Plan Update (p.36)
  - i. Progress Report  
**Recommendation:**
    - 1. Receive Status Update on Pending Legislation
    - 2. Receive Fort Ord Reuse Authority (“FORA”) 2018 Transition Plan Progress Report
  - ii. Transition Plan Transportation Study (p.62)  
**Recommendation:** Authorize Executive Officer to negotiate/execute a Service Work Order with Whitson Engineers Master Service Contract for a Transition Plan Transportation Study not to exceed \$150,000.
- c. Building Removal Financing/Feasibility Update (p.69)  
**Recommendation:** Receive a report on Regional Building Removal Financial Feasibility.
- d. Consistency Determination: City of Marina Veterans Transition Center Permanent Supportive Housing at 229-239 Hayes Circle, Marina (p.77)  
**Recommendation:**
  - i. Conduct a public hearing regarding City of Marina’s (Marina’s) General Plan amendment and Veterans Transition Center Permanent Supportive Housing development entitlements at 229-239 Hayes Circle, Marina and its consistency with Base Reuse Plan (Reuse Plan).

- ii. Adopt Resolution 19-XX (**Attachment A**), certifying that Marina's General Plan amendment and Veterans Transition Center Permanent Supportive Housing development entitlements at 222-239 Hayes Circle in Marina are consistent with the Reuse Plan.

**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: May 10, 2019 AT 2:00 P.M.**

Persons seeking disability related accommodations should contact FORA 24 hrs prior to the meeting. This meeting is recorded by Access Monterey Peninsula and televised Sundays at 9 a.m. and 1 p.m. on Marina/Peninsula Chanel 25. The video and meeting materials are available online at [www.fora.org](http://www.fora.org).



**FORT ORD REUSE AUTHORITY**  
**BOARD OF DIRECTORS REGULAR MEETING MINUTES**  
**2:00 p.m., Friday, March 8, 2019 | Carpenters Union Hall**  
910 2<sup>nd</sup> Avenue, Marina, CA 93933

**1. CALL TO ORDER**

Chair Supervisor Jane Parker called the meeting to order at 2:00 p.m.

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Dr P.K Diffenbaugh.

**3. CLOSED SESSION**

- a. Conference with Legal Counsel – Gov. Code §54956.9(a), (d)(1): Keep Fort Ord Wild v. Fort Ord Reuse Authority. Monterey County Superior Court Case No.: 17CV004540, Pending Litigation.
- b. 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.

Time Entered: 2:02 p.m.

Time Exited: 2:23p.m.

**4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION**

Authority Counsel Jon Giffen announced there was no action to report.

**5. ROLL CALL**

**Voting Members Present:**

Supervisor Jane Parker (County of Monterey), Supervisor Mary Adams (County of Monterey), Supervisor John Phillips (County of Monterey), Councilmember John Gaglioti (City of Del Rey Oaks), Councilmember Frank O'Connell (City of Marina), Mayor Pro-Tem Gail Morton (City of Marina), Councilmember Alan Haffa (City of Monterey), Mayor Ian Oglesby (City of Seaside), Councilmember Jon Wizard (City of Seaside), Mayor Mary Ann Carbone (City of Sand City), Mayor Joe Gunter (City of Salinas), Councilmember Cynthia Garfield (City of Pacific Grove), Councilmember Jan Reimers (City of Carmel-by-the-Sea)

**Ex-officio (Non-Voting) Board Members Present:**

Steve Matarazzo (University of California, Santa Cruz), Andre Lewis (California State University Monterey Bay), Dr. P.K. Diffenbaugh (Monterey Peninsula United School



District), Colonel Gregory Ford (United States Army), Bill Collins (Fort Ord Army Base Realignment & Closure Office), David Martin (Monterey Peninsula College), Lisa Rheinheimer (Monterey-Salinas Transit), Todd Muck (Transportation Agency of Monterey District), Dr. Matt Zefferman (Marina Coast Water District), Toby Uptain-Villa (17<sup>th</sup> State Senate District), Erica Parker (29<sup>th</sup> State Assembly District), Kathleen Lee (20<sup>th</sup> Congressional District)

## **6. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE**

Executive Officer Michael Houlemard announced the following:

Mr. Houlemard requested one emergency item be added to the agenda: Resolution of Appreciation for Bill Kempe.

**MOTION:** On motion by Board member Oglesby and second by Board member Garfield and carried by the following vote, the Board moved to allow one emergency item Resolution of Appreciation for Bill Kampe.

### **MOTION PASSED UNANIMOUSLY**

Board Member Garfield read into the record Resolution of Appreciation for Bill Kampe.

**MOTION:** On motion by Board member Garfield and second by Board member Morton and carried by the following vote, the Board moved to approve the Resolution of Appreciation.

### **MOTION PASSED UNANIMOUSLY**

## **7. CONSENT AGENDA**

- a. Approve February 8, 2019 Meeting Minutes
- b. Administrative Committee
- c. Veterans Issues Advisory Committee
- d. Water/Wastewater Oversight Committee
- e. Habitat Conservation Plan Update
- f. Public Correspondence to the Board

Chair Parker read the consent agenda items and asked if members had any comments or items to pull for discussion. Board member Adams requested item 7e – Habitat Conservation Plan Update, be pulled for comment.

**Motion:** On motion by Board member Gunter and second by Board member Adams and carried by the following vote, the Board moved to approve the consent agenda items 7a -7d and 7f. Item 7e was moved to the end of the Business items.

### **MOTION PASSED UNANIMOUSLY**

## 8. BUSINESS ITEMS

### a. Regional Building Removal Feasibility Report

Principal planner Jonathan Brinkmann provided a brief presentation covering the progress report outlining the current status of the Building Removal Program. Mr. Brinkmann provided the Board with an update as to the tasks in the current scope of work for the consultants NHA Advisors. The tasks include completing the Legal and Financial Feasibility Study, which will be in the form of memos and designing a financial plan to remove the buildings. The memos will look at questions to ensure the legality and feasibility of the building removal. The financial plan includes a takedown program with two components: 1) potential remaining removal in The Dunes on Monterey Bay or, 2) all remaining buildings that are not under contract for removal. The plan will include a comparative analysis of individual jurisdiction building removal liability vs. a base-wide conceptual plan. NHA Advisors' scope of work also includes two meetings with the Administrative Committee-one to present the quantitative analysis and three iterations of the draft financial plan, and another meeting to present the final draft financial plan. Mr. Brinkmann reviewed the timeline covered in the consultant's scope of work. Staff responded to questions from the Board and Public.

### INFORMATION ONLY

### b. Monterey Bay Drone, Automation & Robotics Technology (DART) Initiative & Proposed Mid-year Budget Adjustment

Economic Development Manager Josh Metz gave a presentation providing an overview of the DART Initiative and how it emerged from the unsuccessful bid for a Federal Aviation Administration ("FAA") Unmanned Aerial System Integration Pilot Program designation at the Marina Airport. Mr. Metz reviewed the vision of the program to establish and operate a world class Drone, Automation, Robotics Technology Testing & Development cluster in the Monterey Bay region. This is an opportunity to align industry, government, and academia to realizing the potential. Since the Fort Ord Reuse Authority ("FORA") is set to legislatively sunset June 20, 2020 steps have been taken to establishing the IRS Tax Code 501(c)(3) organization Monterey Bay DART Consortium. Which will connect stakeholders, pursue and secure public and private funding, host industry and educational forums, and advocate for the safe and appropriate market, facilities and airspace access. Mr. Metz reviewed the calendar: DART Meetups are from 6:00 p.m. to 8:00 p.m. at University California Monterey Bay Education Science and Technology ("UCMBEST") the 3<sup>rd</sup> Tuesday of every other month; the 2019 Drone Camp is from June 17-20th, 2019 at California State University Monterey Bay ("CSUMB") & UCMBEST; and the DART Symposium is from June 20-21st, 2019. A request for a total of \$60k in proposed budget adjustments to help support the DART program include \$50k in local match funding for an Economic Development Administration ("EDA") grant. However, the local match funds would be contingent on securing a contribution from the City of Marina and EDA grant approval. The local fund matching request will be presented to the City of Marina City Council for consideration.

In addition, \$10k is being requested to help support implementation of the 1<sup>st</sup> Monterey Bay DART Symposium, planned for Friday, June 21, 2019. Staff responded to questions from the Board and Public.

### **INFORMATION ONLY**

#### **c. Fiscal Year 2018-2019 Mid-Year Budget**

Mr. Houlemard presented the item noting the Mid-Year Budget was reviewed by the Finance Committee and Executive Committee. The Finance Committee found sufficient funds to cover the recommendation and the Executive Committee (on February 27, 201), recommended Board approval of the health insurance premium staff benefit adjustment to continue per existing Board policy. Controller Helen Rodriguez assisted in answering questions from the Board.

**Motion:** On motion by Board member Gunter and second by Board member Carbone and carried by the following vote, the Board moved to approved the 2018-2019 Mid-Year Budget.

### **MOTION PASSED UNANIMOUSLY**

#### **d. 2018 Transition Plan Update**

##### **i. 2018 Transition Plan and Facilitator Progress Report**

Mr. Houlemard introduced the item and Risk Manager Sheri Damon provided a brief presentation outlining FORA's staff activities and progress toward implementing the 2018 Transition Plan. Staff facilitated a meeting between Army, Regulator and Special Council in order to discuss the property transfer and easement process. The meetings included representatives from Monterey County and the City of Seaside. The main focus was to learn about the administrative order on consent on the Environmental Services Cooperative Agreements ("ESCA") process, and met with Regulators and Special Council staff from Washington, DC.

FORA is continuing to implement the Human Resource recommendations which the Board approved on February 8, 2019. Kendall Flint, from Regional Government Services ("RGS"), provided an update covering the progress of the meetings with member jurisdictions, which have included Board members, ex-officio agencies, and environmental groups, to identify key issues. Mrs. Flint reviewed the identified issues: structure of entity post-FORA, Community Facility District extension, review of the Capital Improvement Plan ("CIP") projects post FORA, regional and affordable housing, and water issues. RGS will continue working to facilitate negotiations, while establishing clear direction on responsibilities and tasks that need to be completed, or managed, by the member jurisdictions. Mrs. Flint and staff responded to questions from the Board and Public.

### **INFORMATION ONLY**

## ii. Habitat Management Plan Responsibility Report

Mr. Houlemard introduced the item and reiterated the Board's direction that consent agenda item 7e Habitat Conservation Plan Update be presented with the Habitat Management Plan Responsibility Analysis Report. Associate Planner Mary Israel and Mr. Brinkmann presented the Habitat Conservation Plan ("HCP") status and Habitat Management Plan ("HMP") responsibilities and cost projections. Ms. Israel provided an HMP background identifying when it was established, who the participants are, habitat reserve locations, and tasks and requirements of the HMP. Principal Planner Jonathan Brinkmann continued the presentation covering the cost estimate to complete the HMP compared to completing an HCP. Mr. Brinkmann provided an estimate of member jurisdiction costs which included startup costs. Mr. Brinkmann noted what permitting would be required after HMP requirements are completed and how much development acres are available to member jurisdictions. Staff responded to questions from the Board and Public.

### **INFORMATION ONLY**

Consent Agenda Item 7e: Director Adams had requested Item 7e be pulled for comment concerning the word "must" in the staff report. The Board wanted to clarify that the terminology is broader than "must", and directed staff to use HCP or other habitat plan alternative language in the future. There was no public comment.

**Motion:** On motion by Board member Adams and second by Board member Oglesby and carried by the following vote, the Board moved to approve the consent agenda item 7e.

## e. Legislative Committee Report

Mr. Houlemard reviewed each item on the draft 2019 Legislative Agenda providing background of the issues, benefits, challenges and proposed position. Staff responded to questions and comments from the Board and Public.

**Motion:** On motion by Board member Morton and second by Board member Gaglioti and carried by the following vote, the Board moved to approve the 2019 Legislative Agenda with the exclusion in its entirety of section A, and setting a special meeting as soon as possible to review language to be forwarded to Senator Monning's office.

### **MOTION PASSED UNANIMOUSLY**

Chair Parker called for a motion to extend the meeting beyond 5:00 p.m.

**MOTION:** On motion by Board member Morton and second by Board member Garfield and carried by the following vote, the Board moved to hear public comment and adjourn the meeting.

**MOTION PASSED UNANIMOUSLY**

- 9. PUBLIC COMMENT**  
There were no comments from the public
- 10. ITEMS FROM MEMBERS**  
There were no items from members.
- 11. ADJOURNMENT** at 5:24 p.m.

Minutes Prepared by:  
Heidi L. Lizarbe  
Deputy Clerk

Approved by:

---

Michael A. Houlemard, Jr. Executive Officer

DRAFT



**FORT ORD REUSE AUTHORITY**  
**BOARD OF DIRECTORS SPECIAL MEETING MINUTES**  
**10:00 a.m., Friday, March 15, 2019 | Carpenters Union Hall**  
910 2<sup>nd</sup> Avenue, Marina, CA 93933

**1. CALL TO ORDER**

Participating via Teleconference: Supervisor Parker & Mayor Carbone - Yosemite Valley Lodge (Lobby), 9006 Yosemite Lodge Dr, Yosemite National Park, CA 95389

Participating via Teleconference, Cynthia Garfield, Jung Hotel (Lobby), 1500 Canal Street, New Orleans, LA 70112

Acting Chair Joe Gunter called the meeting to order at 10:00 a.m.

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by City of Salinas Mayor Joe Gunter.

**3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE**

Executive Officer Michael A. Houlemard Jr. announced the following:

- Cynthia Garfield is also participating via teleconference from New Orleans, LA.

**4. ROLL CALL**

**Voting Members Present:**

Supervisor John Phillips (County of Monterey), Councilmember John Gaglioti (City of Del Rey Oaks), Councilmember Frank O'Connell (City of Marina), Mayor Pro-Tem Gail Morton (City of Marina), Councilmember Alan Haffa (City of Monterey), Mayor Ian Oglesby (City of Seaside), Councilmember Jon Wizard (City of Seaside), Mayor Joe Gunter (City of Salinas), Councilmember Jan Reimers (City of Carmel-by-the-Sea)

**Ex-officio (Non-Voting) Board Members Present:**

Steve Matarazzo (University of California, Santa Cruz), Colonel Gregory Ford (United States Army), Dr. Walter Tribley (Monterey Peninsula College), Andre Lewis (California State University Monterey Bay), Mike Zeller (Monterey-Salinas Transit), Keith Van Der Maaten (Marina Coast Water District), Erica Parker (29<sup>th</sup> State Assembly District) Marina Perepelyuk (20<sup>th</sup> Congressional District)

**5. BUSINESS ITEMS**

- a. 2019 Legislative Agenda and Transition Draft Legislative Language

Executive Officer Michael A. Houlemard, Jr. introduced the item and gave an overview. Risk Manager Sheri Damon provided a presentation on background information as to the legislative

process, time limitation, and the draft language submittal procedure. Ms. Damon reviewed each section of the draft language, discussing the content as it pertains to the 2018 Transition Plan. Staff responded to questions from the Board and Public.

**Motion:** On motion by member Reimers and seconded by member Gaglioti the board moved to approve the staff recommended language with the proposed amendments, and to include California State University Monterey Bay in the post 2020 Successor Agency Board composition.

Staff Recommendation:

1. Approve draft legislative language
2. Approve 2019 Legislative Agenda, Item A as to the 2018 Transition Plan
3. Authorize submittal of both the 2019 Legislative Agenda and draft language to the state legislative offices
4. Direct staff to provide monthly updates on the legislation

**MOTION PASSED BY MAJORITY (7 AYES; 5 NOES)  
2<sup>ND</sup> VOTE (MARCH 21, 2019) Required**

Director Parker	NO	Director Reimers	AYE
Director Gunter	AYE	Director Haffa	AYE
Director O’Connell	NO	Director Gaglioti	AYE
Director Morton	NO	Director Wizard	NO
Director Garfield	AYE	Director Oglesby	No
Director Phillips	AYE		
Director Carbone	AYE		

**6. PUBLIC COMMENT**

A member of the Public requested clarification on the motion.

**7. ITEMS FROM MEMBERS**

There were no items from members.

**8. ADJOURNMENT** at 12:15 p.m.

Minutes Prepared by:  
Heidi L. Lizarbe  
Deputy Clerk

Approved by:

\_\_\_\_\_  
Michael A. Houlemard, Jr. Executive Officer



**FORT ORD REUSE AUTHORITY**  
**BOARD OF DIRECTORS SPECIAL MEETING MINUTES**  
**9:00 a.m., Thursday, March 21, 2019 | Carpenters Union Hall**  
910 2<sup>nd</sup> Avenue, Marina, CA 93933

**1. CALL TO ORDER**

Participating via Teleconference: John Phillips, Rancho Cielo Youth Campus, Rancho Cielo Administration Building, 710 Old State Rd, Salinas, CA 93908

Chair Jane Parker called the meeting to order at 9:00 a.m.

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Jan Reimers.

**3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE**

None

**4. ROLL CALL**

**Voting Members Present:**

Supervisor John Phillips (County of Monterey), Supervisor Jane Parker (County of Monterey), Supervisor Mary Adams (County of Monterey), Vice Mayor Kristen Clark (City of Del Rey Oaks), Councilmember Frank O'Connell (City of Marina), Mayor Pro-Tem Gail Morton (City of Marina), Vice Mayor Dan Albert (City of Monterey), Mayor Ian Oglesby (City of Seaside), Councilmember Jon Wizard (City of Seaside), Mayor Mary Ann Carbone (City of Sand City), Mayor Joe Gunter (City of Salinas), Councilmember Cynthia Garfield (City of Pacific Grove), Councilmember Jan Reimers (City of Carmel-by-the-Sea)

**Ex-officio (Non-Voting) Board Members Present:**

Colonel Gregory Ford (United States Army), Dr. Walter Tribley (Monterey Peninsula College), Dr. Eduardo Ochoa (California State University Monterey Bay), Keith Van Der Maaten (Marina Coast Water District), Erica Parker (29<sup>th</sup> State Assembly District) Marina Perepelyuk (20<sup>th</sup> Congressional District)

**5. BUSINESS ITEMS**

a. 2019 Legislative Agenda and Transition Draft Legislative Language-2<sup>nd</sup> Vote

Chair Parker noted that the business before the Board today is to take a 2<sup>nd</sup> vote on the 2019 Legislative Agenda and draft legislative language. A special meeting was



held on March 15, 2019, the vote was not unanimous, therefore requires a 2<sup>nd</sup> vote. Chair Parker asked if Board members have any questions.

A request by Director Oglesby to have the record reflect the legislation is advisory to Senator Monning as described by Executive Officer Michael A. Houlemard, Jr.

Motion: On motion by member Gunter and seconded by member Clark, the board moved to approve staff recommendations, to include CSUMB as a successor agency member, the agency may choose another member to result in an odd number, and including all other proposed amendments.

Chair Parker requested a roll call vote:

Director Parker	NO	Director Reimers	AYE
Director Gunter	AYE	Director Albert	AYE
Director O'Connell	NO	Director Clark	AYE
Director Morton	NO	Director Wizard	NO
Director Adams	NO	Director Oglesby	NO
Director Phillips	AYE	Director Garfield	AYE
Director Carbone	AYE		

**MOTION PASSED (7 AYE; 6 NO)**

6. PUBLIC COMMENT
7. ITEMS FROM MEMBERS
8. ADJOURNMENT at 9:09 a.m.

Minutes Prepared by:  
Heidi L. Lizarbe  
Deputy Clerk

Approved by:

\_\_\_\_\_  
Michael A. Houlemard, Jr. Executive Officer

# FORT ORD REUSE AUTHORITY BOARD REPORT

## CONSENT AGENDA

**Subject:** Administrative Committee

**Meeting Date:** April 12, 2019

**Agenda Number:** 7d

**INFORMATION/ACTION**

### RECOMMENDATION:

Receive a report from the Administrative Committee.

### BACKGROUND/DISCUSSION:

The Administrative Committee held a meeting on February 27, 2019 and March 13, 2019. The approved minutes for these meetings are provided as **Attachment A, and B.**

### FISCAL IMPACT:

Reviewed by the FORA Controller HF signing for Helen Rodriguez

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

### COORDINATION:

Administrative Committee

Prepared by Heidi L. Lizarbe  
Heidi L. Lizarbe

Approved by Michael A. Houlemard, Jr.  
Michael A. Houlemard, Jr.



APPROVED

**FORT ORD REUSE AUTHORITY**  
**ADMINISTRATIVE COMMITTEE REGULAR MEETING MINUTES**  
**8:30 a.m., Wednesday, February 27, 2019 | FORA Conference Room**  
920<sup>nd</sup> Avenue, Suite A, Marina, CA 93933

**1. CALL TO ORDER**

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

The following members were present:

- |                                    |   |
|------------------------------------|---|
| Dino Pick* (City of Del Rey Oaks)  | Lisa Rheinheimer (Monterey Salinas Transit) |
| Melanie Beretti* (Monterey County) | Matt Morgensen* (City of Marina)            |
| Patrick Breen (MCWD)               | Steve Matarazzo (UCMBEST)                   |
| Hans Uslar* (City of Monterey)     | Elizabeth Caraker (City of Monterey)        |
| Vicki Nakamura (MPC)               | Anya Spear (CSUMB)                          |
|                                    | *Voting Member                              |

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by City Manager Dino Pick

**3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

Executive Officer Michael Houlemard made the following announcements:

- 2019 Job Survey is underway
- Northeast-Southwest Arterial Connector Review Process is underway, and EIR Preparation Schedule:  
April 2019- Distribute Public Review Draft EIR for 45-day review period  
TBD- Public Review Draft EIR Public Meeting  
TBD-Final project approval and EIR certification for Board consideration
- 2018 Transition Plan is proceeding forward
- Fort Ord Cleanup Community Outreach Events: Impact Area Guided Walking Tour Sat, May 4, 2019; and Impact Area Bus Tour Sat, July 13, 2019

**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. February 13, 2019 Meeting Minutes

**MOTION:** On motion by Committee member Beretti and second by Committee member Uslar and carried by the following vote, the Administrative Committee moved to approve the February 13, 2019 regular meeting minutes.

**MOTION PASSED UNANIMOUSLY**

**6. MARCH 8, 2019 BOARD MEETING AGENDA REVIEW**

**INFORMATION**

Mr. Houlemard reviewed the items on the draft Board agenda for March 8, 2019, and noted proposed changes to the agenda as follows: removal of Item 3c One Item of Potential Litigation and moving the

HCP Progress report item to the Consent Agenda. The proposed changes will be reviewed by the Executive Committee. There were no questions or comments from the Committee or public.

**This item was for information only.**

## 7. BUSINESS ITEMS

## INFORMATION/ACTION

### a. Capital Improvement Program

#### i. Development Forecast Request

Principal Planner Jonathan Brinkmann introduced the item and reviewed the Draft Fiscal Year 2019/20 Through Post-FORA Development Forecast for Residential and Non-Residential Annual Land Use Construction, and the Draft Fiscal Year 2019/20 Land Sales Revenue for the City of Marina. Mr. Brinkmann distributed copies of the draft tables. Staff responded to questions and comments from the Committee. Public comment was received.

**MOTION:** On motion by Committee member Uslar and second by Committee member Beretti and carried by the following vote, the Administrative Committee moved to confirm the Development Forecast as presented, including Marina's subsequent review of their development forecast and land sales forecast, and incorporation of any follow on changes.

### b. Building Removal Financial Consultant Progress Report

Mr. Brinkmann gave a brief presentation on the Financial Consultants' scope of work and projected estimate of reports and analysis completion dates. Staff and Consultant Mark Northcross of NHA Advisors were in attendance to answer or clarify questions or concerns from committee members and the public.

**Information item only – no vote taken.**

### c. Habitat Conservation Plan (HCP) Progress Report

Mr. Brinkmann gave a brief overview and introduced Associate Planner Mary Israel who gave the presentation on the Habitat Conservation Plan and Habitat Management Plan Responsibilities Analysis. Staff responded to questions and comments from the Committee and Public.

**Information item only – no vote taken.**

### d. 2018 Transition Plan Discussion

Assistant Executive Officer Steve Endsley provided a brief background on this item and introduced the Consultants Steve and Kendall Flint from Regional Government Services ("RGS"). Mrs. Flint provided an overview of the member jurisdictions and agencies with whom they have met and identified commonalties, and outlined the items for discussion at the Special Meeting/workshop on March 6, 2019. The Consultants responded to questions and comments from the Committee. Public comment was received.

**Information item only – no vote taken.**

## 8. ITEMS FROM MEMBERS

## 9. ADJOURNMENT at: 10:28 a.m.

Minutes Prepared By:  
Heidi Lizarbe  
Deputy Clerk



APPROVED

**FORT ORD REUSE AUTHORITY**  
**ADMINISTRATIVE COMMITTEE REGULAR MEETING MINUTES**  
**8:30 a.m., Wednesday, March 13, 2019 | FORA Conference Room**  
920<sup>nd</sup> Avenue, Suite A, Marina, CA 93933

**1. CALL TO ORDER**

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

The following members were present:

- |                                   |   |
|-----------------------------------|---|
| Dino Pick* (City of Del Rey Oaks) | Lisa Rheinheimer (Monterey Salinas Transit) |
| Layne Long* (City of Marina)      | Matt Morgensen* (City of Marina)            |
| Patrick Breen (MCWD)              | Steve Matarazzo (UCMBEST)                   |
| Hans Uslar* (City of Monterey)    | Elizabeth Caraker (City of Monterey)        |
| Vicki Nakamura (MPC)              | Craig Malin* (City of Seaside)              |
|                                   | *Voting member                              |

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by City Manager Dino Pick

**3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

None

**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. February 27, 2019 Meeting Minutes

**MOTION:** On motion by Committee member Uslar second by Committee member Morgensen and carried by the following vote, the Administrative Committee moved to approve the February 27, 2019 regular meeting minutes with one abstention made by Committee member Craig Malin.

**6. MARCH 8, 2019 BOARD MEETING FOLLOW UP**

**INFORMATION**

Assistant Executive Officer Steve Endsley led the committee through a review of the actions taken by the Board at the March 8, 2019 Board Meeting. The Monterey Bay Drone, Automation, Robotics, Technology (“DART”) program was part of the Mid-Year Budget that was approved. The approval of the mid-year budget also included \$150,000 for the 2018 Transition Plan Transportation Study. Staff provided a presentation on the HCP vs HMP the focus was on the HMP process as the Board requested more information on what it would look like and the cost. Staff will be reporting back to the Board with answers to the Board regarding the HCP. The Annual Legislative Agenda was approved minus the 2018 Transition Plan section which was forwarded back to the Legislative Committee for review/change of the draft language and Legislative Committee voted 4-1 sending it back to the Board for consideration.

**This item was for information only.**

**7. BUSINESS ITEMS**

**INFORMATION/ACTION**

a. Capital Improvement Program

i. Caretaker Cost Reimbursement Policy Report

Principal Planner Jonathan Brinkmann introduced the item and provided a brief presentation on the Caretaker Cost policy that allocates \$575,000 annually to reimburse 5 land use Jurisdictions. For the FY 18/19, 4 Jurisdictions met the submittal deadlines and the \$575,000 will be allocated among 4 Jurisdictions based on submittal requirements. Mr. Brinkmann reviewed the amount of reimbursements to date and noted the deadline for reimbursement is June 30, 2019. Staff responded to questions and comments from the Committee.

ii. Schedule for FY 19/20 Document

Mr. Brinkmann provided two handouts, one being a section of the DRMP covering the Capital Improvement Program ("CIP") noting why it's a requirement and the FY 19/20 Capital Improvement Program Schedule. Mr. Brinkman led the Committee through a presentation of the CIP schedule identifying the various steps to complete the CIP process and the requirements. Staff responded to questions and comments from the Committee.

**8. ITEMS FROM MEMBERS**

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

Minutes Prepared By:  
Heidi Lizarbe  
Deputy Clerk

# FORT ORD REUSE AUTHORITY BOARD REPORT

## CONSENT AGENDA

**Subject:** Veterans Issues Advisory Committee

**Meeting Date:** April 8, 2019

**Agenda Number:** 7e

**INFORMATION/ACTION**

### RECOMMENDATION:

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

### BACKGROUND/DISCUSSION:

The Veterans Issues Advisory Committee met on February 28, 2019. The approved minutes for this meetings are provided as **Attachment A**.

### FISCAL IMPACT:

Reviewed by FORA Controller *HF signing for Helen Rodriguez*  
Staff time for this item is included in the approved annual budget.

### COORDINATION:

VIAC

Prepared by

*Shawn Hall*  
Shawn Hall

Approved by

*Michael A. Houlemard, Jr.*  
Michael A. Houlemard, Jr.



**FORT ORD REUSE AUTHORITY  
VETERANS ISSUES ADVISORY COMMITTEE (VIAC) MEETING MINUTES  
3:00 P.M. February 28, 2019 | FORA Conference  
Room**

920 2<sup>Nd</sup> Avenue, Suite A, Marina CA 93933

**1. CALL TO ORDER**

Acting Chair Jack Stewart called the meeting to order at 3:00 P.M.

**Committee Members Present:**

Ian Oglesby, Mayor of Seaside

Mary Estrada, United Veterans Council (UVC)

Jack Stewart, Monterey County California Central Coast Veterans Cemetery Advisory Committee

Sid Williams, Monterey County Military & Veterans Affairs

COL Greg Ford, US Army

**2. PLEDGE OF ALLEGIANCE** led by COL Greg Ford.

**3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

Executive Officer Michael A Houlemard, Jr. announced the following:

- The Army BRAC office is having their Impact Area Guided Walking Tour Saturday, May 4, 2019, and Impact Area Bus Tour Saturday, July 13, 2019 and community members can register at [www.fortordcleanup.com](http://www.fortordcleanup.com)

Principal Analyst Robert Norris announced that at the February 8, 2019 Regular Board Meeting, the Chair appointed Board Member Ian Oglesby as the new Veterans Issues Advisory Committee (“VIAC”) Chair.

**4. PUBLIC COMMENT PERIOD**

There were no comments from the public.

**5. APPROVAL OF MEETING MINUTES**

- a. January 24, 2019 Regular Meeting Minutes

**MOTION:** On motion by Committee member Williams and seconded by Committee member Estrada the VIAC approved the January 24, 2019 meeting minutes as amended.

**6. BUSINESS ITEMS**

- a. **California Central Coast Veterans Cemetery (CCCVC) Status Report**

- i. *Cemetery Administrator’s Status Report*

Principal Analyst Robert Norris updated the committee stating the County and CDVA are working toward a solution for the Phase 1 Mitigation, however they are not ready to report



results yet but have held a meeting concerning this issue. Mr. Norris provided a handout of a section of the draft FORA Legislative Committee Agenda. The draft language states a position advocating support for the Veterans Cemetery and is included in the draft legislative language to implement the FORA 2018 Transition Plan. The full draft will go before the FORA Board for approval prior to going before state legislature.

Committee Member Sid Williams noted that the MOU needs to be amended and the cemetery needs to be included in the State budget. Mr. Williams thanked Fort Ord Reuse Authority (FORA) staff members who have assisted with preparing the draft language that will be put before the Legislature to be approved. He stated that the draft wording includes making changes to the MOU and including the cemetery in the state budget, as it is currently not. The stated has helped at times, but the majority of the funding has come from the Marina Foundation.

Jack Stewart requested a list of people in the past working group.

Mr. Houlemard states that when the Laird Bill was put into place, which allowed funding from the state to begin the construction of the cemetery. However, current legislature is not suitable for assisting the Central Coast Veteran's Cemetery. The needs of the cemetery have changed and current legislators are trying restructure the ways that those needs can be met.

ii. *Veteran's Cemetery Land Use Status*

This item was reported earlier in the discussion under 6a.i.

iii. *Fort Ord Committee Verbal Report: Oak Woodlands Mitigation & Endowment MOU*

This item was reported earlier in the discussion under 6a.i.

b. **Fundraising Status**

Candy Ingram updated the committee on three upcoming events: First, the Epic Riders Cross Country Fundraiser; the riders will be carrying the KIA flags for the Honor Our Fallen Run, Candy thanked the Army for its assistance with the guideline's aspect, and Support for the Heroes Open. She is hopeful that proceeds from the events will be able to help support funding for capital investments.

c. **Veterans Transition Center (VTC) Housing Construction**

Jack Murphy from the Veterans Transition Center ("VTC") informed the committee that there are currently 90 vets and family members in the program, bringing the total to 101. Families are transitioning successfully due to active partnerships between The Parks, Garrison, and the VTC. Mr. Murphy also reported there are currently five duplexes in line to be remodeled, four of which funding for the remodels has been fully funded. He reported on the recent Point in Time ("PIT") study, the numbers will not be out until June, however preliminary numbers show a significant drop in the number of homeless Veteran's in Monterey and Santa Cruz Counties.

Jack Stewart asked if other steps to prepare veterans who are transitioning out of the program besides housing, such as working with the trade unions on employment. Mr. Murphy confirmed that the VTC does attempt to work with other organizations, such as the Unemployment Development Department ("EDD"), to address and assist with preparation of veteran's transitioning back into society.

Ron Chesshirre of the Monterey and Santa Cruz Counties Builders Construction Trade Council commented on several opportunities and programs that are available to Veteran's including pre-apprenticeships, classes on trade skills, and a program that hire veterans directly or bring them to the top of the list for interviews and job advancement.

d. **VA-DOD Clinic**

Sid Williams announced the next Town Hall Meeting March 20, 2019 from 3:00-4:00 p.m. at Legion Post 591. Chairman Oglesby passed on concerns from the veterans that Palo Alto is sending Licensed Vocational Nurses (LVN) instead of Registered Nurses (RN). As a result, the LVNs, while qualified, are becoming overwhelmed. LVN's are not as qualified or have as much training as RN's do. It was requested from members of the Committee that have concerns be presented to Congressman Panetta's office. Committee member Ford concurred with discussion that the Army is in the same situation as the VA in terms of finding RNs, and other much needed medical personnel.

e. **Historical Preservation Project**

Nothing to report.

f. **Calendar of Events**

Jack Murphy informed the committee of a fundraising concert by the Camarada Singers to benefit the VTC. They will be St. Paul's Episcopal Church in Salinas Friday, March 1st and at the First Presbyterian Church in Monterey March 2<sup>nd</sup> and 3<sup>rd</sup>.

**7. ITEMS FROM MEMBERS**

COL. Greg Ford reported that the Army is hosting a ceremony honoring Vietnam Veterans for National Vietnam Veterans Day, at 10:00 a.m. March 29, 2019 at the Commissary.

Chair Oglesby initiated discussion on joint housing programs between the City of Seaside, Habitat for Humanity, and the VTC.

**8. ADJOURNMENT** at 4:10 p.m.

Minutes Prepared  
by: Shawn Hall

# FORT ORD REUSE AUTHORITY BOARD REPORT

## CONSENT AGENDA

**Subject:** Water/Wastewater Oversight Committee

**Meeting Date:** April 12, 2019

**Agenda Number:** 7f

**INFORMATION/ACTION**

### RECOMMENDATION:

Receive a report from the Water/Wastewater Oversight Committee (WWOC).

### BACKGROUND/DISCUSSION:

The Water/Wastewater Oversight Committee (WWOC) met on March 28, 2019. The WWOC approved the March 13, 2019 meeting minutes (**Attachment A**).

The Committee received a Master Plan Schedule update from Marina Coast Water District (MCWD) staff and reviewed the MCWD Compensation Plan/Fiscal Year (FY) 19-20 Draft Budget.

The MCWD FY 19-20 Draft Budget can be accessed at the following website:

[https://fora.org/WWOC/2019/Materials/MCWD\\_Proposed-Budget\\_031319.pdf](https://fora.org/WWOC/2019/Materials/MCWD_Proposed-Budget_031319.pdf)

### FISCAL IMPACT:

Reviewed by FORA Controller HF signing for Helen Rodriguez

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

### COORDINATION:

WWOC, Marina Coast Water District

Prepared by   
Ikuyo Yoneda-Lopez

Reviewed by   
Jonathan Brinkmann

Approved by   
Michael A. Houlemard, Jr.

**FORT ORD REUSE AUTHORITY  
WATER/WASTEWATER OVERSIGHT COMMITTEE  
MEETING MINUTES**

920 2<sup>nd</sup> Avenue, Suite A, Marina CA 93933 | FORA CIC  
10:00 A.M., Wednesday, March 13, 2019

**1. CALL TO ORDER**

Chair Riedl called the meeting to order at 10:03 A.M.

**Committee Members Present:**

Mike Lerch, California State University Monterey Bay  
Steve Matarazzo, University of California Santa Cruz  
Brian McMinn, City of Marina  
Dino Pick, City of Del Rey Oaks  
Rick Riedl, City of Seaside

**Committee Members Absent:**

Melanie Beretti, County of Monterey  
Elizabeth Caraker, City of Monterey

**Other Attendees:**

Mike Wegley, Marina Coast Water District  
Kelly Cadiente, Marina Coast Water District  
Patrick Breen, Marina Coast Water District

**FORA Staff:**

Jonathan Brinkmann  
Peter Said

**2. PLEDGE OF ALLEGIANCE** led by Committee member Dino Pick.

**3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE**

None.

**4. PUBLIC COMMENT PERIOD**

None.

**5. APPROVAL OF MEETING MINUTES**

**MOTION:** On motion by Committee member Matarazzo and second by Committee member Lerch, the Water/Wastewater Oversight Committee moved to approve the December 19, 2018 Water/Wastewater Oversight Committee (WWOC) meeting minutes.

**MOTION PASSED: UNANIMOUSLY**

## 6. BUSINESS ITEMS

### a. Mid-year Report

INFORMATION

Ms. Cadiante of MCWD presented the MCWD Mid-year Report and responded to questions and comments from the Committee.

There was no public comment. This item was for information only.

### b. 5-year Capital Improvement Program for FY 19-20 Budget

INFORMATION/ACTION

Mr. Mike Wegley of MCWD presented the item and an update regarding the schedule delay for the Master Plan report and capacity fee study opening the discussion regarding 'category' classifications of CIP projects. Mr. Said of FORA recommended the Committee focus on the FY 19-20 CIP projects and advise MCWD of any inconsistencies as it pertained to the budget, and not the long term master plan since the master plan would likely be complete after the budget process and would reorganize the CIP list. Committee member Pick raised questions pertaining to South Boundary Road. Mr. Wegley addressed the concern. Mr. Said provided an update regarding the timing of the project. Due to the aggressive timeline, he suggested moving the \$2.5 million currently budgeted in FY 20-21 to FY 19-20, with the understanding that delays are possible. Committee member Lerch raised questions regarding CIP project OS-0147/OS-0241 and the increase to cost from last time CIP projects were reviewed. MCWD cited the forced main alignment changing due to habitat issues, changes with the Monterey One Water agreement, and State Parks having environmental concerns as reasons for the increase in cost. Mr. Wegley responded to other questions and comments from the Committee.

**MOTION:** On motion by Committee member Pick and second by Committee member McMinn, and carried by the following vote, the Water/Wastewater Oversight Committee moved approved the 5-year Capital Improvement Program for the FY 19-20 budget, to include an update to move the \$2.5 million for South Boundary Road currently budgeted for FY 20-21 to FY 19-20.

Ayes: Committee members Pick, McMinn, Matarazzo, Riedl

No: Committee member Lerch

#### **MOTION PASSED BY MARJORITY VOTE**

### c. Updated WWOC Meeting Schedule & Budget Calendar

INFORMATION/ACTION

Mr. Said reminded the Committee that scheduling the WWOC meeting has become increasingly challenging with other meetings scheduled immediately before the current WWOC meeting time. Through a Doodle poll, and discussion at the meeting, a new day and time of Thursdays at 10:00 A.M. was identified by the majority of Committee members.

**MOTION:** On motion by Committee member Pick and second by Committee member McMinn, and carried by the following vote, the Water/Wastewater Oversight Committee moved to approve the updated WWOC Meeting Schedule.

#### **MOTION PASSED: UNANIMOUSLY**

## **7. ITEMS FROM MCWD**

Ms. Cadiente of MCWD distributed the draft budget in preparation of Committee discussion at the March 28, 2019 meeting. Mr. Said reminded the Committee FORA Staff would review the draft budget from MCWD for completeness, and upon notice to MCWD, FORA and the WWOC has 3 months to complete review and approve the Ord Community budget for MCWD. According to the 1998 Facilities Agreement, the FORA Board has until June 14, 2019 to complete its review.

Ms. Cadiente requested that Committee members email any questions to her, and copy Peter Said of FORA prior to the next meeting in order to prepare responses for discussion.

There was no public comment.

## **8. ITEMS FROM MEMBERS**

Mr. McMinn inquired whether a calendar invitation will be sent out for the new schedule, specifically for budget discussions. FORA staff confirmed that an Outlook calendar meeting invitation to correspond with the updated meeting calendar will be sent out.

There was no public comment.

## **9. ADJOURNMENT**

**MOTION:** On motion by Committee member Pick and second by Committee member McMinn, and carried by the following vote, the Water/Wastewater Oversight Committee moved to adjourn the meeting at 11:12 A.M.

**MOTION PASSED UNANIMOUSLY**

Page 24 intentionally blank



<b>FORT ORD REUSE AUTHORITY BOARD REPORT</b>	
<b>CONSENT AGENDA</b>	
<b>Subject:</b>	Building Removal Quarterly Update
<b>Meeting Date:</b>	April 12, 2019
<b>Agenda Number:</b>	7g
<b>INFORMATION/ACTION</b>	

**RECOMMENDATION(S):**

Receive a quarterly report on building removal.

**BACKGROUND/DISCUSSION:**

In 2006, the Fort Ord Reuse Authority (FORA) Board included building removal in the Capital Improvements Program (CIP) with the identified Seaside owned Surplus II area (Surplus II) and City of Marina’s (Marina’s) Stockade (Stockade) as the remaining obligations. Between 2006 and 2016, the City of Seaside (Seaside) explored reuse alternatives to building removal.

**Seaside Surplus II:**

In 2016, at Seaside’s request, FORA performed a hazardous materials assessment of the site and presented the results and a course of action to Seaside. Seaside concurred with the plan to utilize FORA’s \$5.2M CIP obligation to remove 17 of the 27 buildings at Surplus II, enabling future site development. In July 2017, the FORA Board authorized the Executive Officer to execute multiple contracts necessary to remove buildings at Surplus II.

In September 2017, the FORA Board awarded a contract for General Engineering Services to Harris and Associates (H&A), approving Service Work Order H1. H&A prepared plans, specifications and bid documents for prospective construction contracts between November 2017 and February 2018. During the same time, local company Central Coast Land Clearing performed brush and vegetation removal. In January 2018, local falconer, Antonio Balestreri (dba Sky Patrol), began Biological Species Control prior to the bird nesting seasons. In July 2018, FORA staff conducted a second public bid opening for Hazmat and Building Removal. FORA received three bids from PARC Environmental, UEI, and Resource Environmental, Inc. In August 2018, the Executive Officer executed a contract with Resource Environmental, Inc., the apparent low bidder, to abate hazardous material and remove 17 buildings. The same month, the on-call services of Vista Environmental were extended to cover the air and hazardous material removal monitoring; and the contract for H&A was extended to include on-call construction support for inspection, construction management, and prevailing wage monitoring. In September, the public and elected officials participated in a building removal kick-off event.

Staff provided Resource Environmental a Limited Notice to Proceed (NTP) to start building abatement on September 11, 2018 and reserved the full NTP until working out utility cut-off plans in November 2018. At Surplus II, abatement is nearly 100% complete, the project is approximately 80% complete, and the estimated completion is May 2019.

**Marina Stockade:**

Early in 2016, FORA and Marina staff began Stockade removal discussions. FORA staff obtained professional Industrial Hygienist services to sample, test, characterize hazardous materials and monitor removal at the Stockade. In September 2017, the FORA Board approved a contract with



H&A for engineering support and awarded SWO-H2 for work on the Stockade. In June 2018, H&A completed 90% Engineering Drawings. In August 2018, the FORA Board authorized the Executive Officer to negotiate and execute multiple contracts pertaining to Stockade removal. FORA staff is currently preparing a Request for Proposals (RFP) for Stockade abatement and removal. FORA expects to advertise the RFP in May 2019.

**FISCAL IMPACT:**

Reviewed by FORA Controller H.F. signing for Helen Rodriguez

Funding for the current building removal efforts is included in the approved FY 18-19 CIP and FY 18-19 FORA Budget.

**COORDINATION:**

Administrative Committee, Seaside, Marina, H&A, Vista Environmental, Resource Environmental, Inc., Marina Coast Water District, PG&E, M1W, Monterey Bay Air Resources District, CSU Monterey Bay, Presidio of Monterey, property owners, and Authority Counsel.

Prepared by   
Jonathan Brinkmann

Approved by   
Michael A. Houlemard, Jr.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## CONSENT AGENDA

<b>Subject:</b>	Resolution fixing the Employer Contribution under the Public Employees' Medical and Hospital Care Act	
<b>Meeting Date:</b>	April 12, 2019	<b>ACTION</b>
<b>Agenda Number:</b>	7h	

### RECOMMENDATION:

Adopt Resolution No. 19-XX titled "Fixing the Employer's Contribution at Unequal Amounts for Employees and Annuitants under the Public Employees' Medical and Hospital Care Act (PEMHCA)" updating Fort Ord Reuse Authority's (FORA) contribution to employees' health premium (**Attachment A**), as approved on March 8, 2019.

### BACKGROUND/DISCUSSION:

PEMHCA requires that contracting agencies adopt a resolution when modifying the employer contribution to employees' health premium. This provides the California Public Employees' Retirement System (CalPERS) proper authority to process the modification. On March 8, 2019, the FORA Board approved an adjustment in contributions to employees' health premium effective January 1, 2019. Therefore, Resolution No. 19-XX is required to replace Resolution No. 17-05 currently on file with CalPERS.

	Expiring contributions Resolution No. 17-05 <u>FY 16-17</u>	New Contributions Resolution No. 19-XX <u>FY 18-19</u>
1 party (employee)	\$ 830.00	\$ 883.00
2-party (employee+1 dependent)	\$ 1,511.00	\$ 1,617.00
Family (employee+ 2 or more dependents)	\$ 1,909.00	\$ 2,047.00

### FISCAL IMPACT:

The Annualized cost of this adjustment is \$10,000, based on current health insurance coverage/enrollment. The FY 18-19 cost is \$4,500 and is included in the revised FY 18-19 approved mid-year budget.

### COORDINATION:

Executive Committee

Prepared by   
Helen Rodriguez

Approved by   
Michael A. Houlemard, Jr.

- Signing for Helen Rodriguez

**FORT ORD REUSE AUTHORITY  
RESOLUTION 19-XX**

**A RESOLUTION OF THE GOVERNING BODY OF THE FORT ORD REUSE AUTHORITY  
FIXING THE EMPLOYER CONTRIBUTION AT UNEQUAL AMOUNTS FOR EMPLOYEES AND  
ANNUITANTS UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT**

THIS RESOLUTION is adopted with reference to the following facts and circumstances:

- A. WHEREAS, the Fort Ord Reuse Authority ("FORA") is a contracting agency under Government Code section 22920 and subject to the Public Employees' Medical and Hospital Care Act (the "Act"); and
- B. WHEREAS, Government Code section 22892(a) provides that a contracting agency subject to Act shall fix the amount of the employer contribution by resolution; and
- C. WHEREAS, Government Code Section 22892(b) provides that the employer contribution shall be an equal amount for both employees and annuitants, but may not be less than the amount prescribed by Section 22892(b) of the Act; and
- D. WHEREAS, Government Code Section 22892(c) provides that, notwithstanding Section 22892(b), a contracting agency may establish a lesser monthly employer contribution for annuitants than for employees, provided that the monthly employer contribution for annuitants is annually increased to equal an amount not less than the number of years the contracting agency has been subject to this subdivision multiplied by 5 percent of the current monthly employer contribution for employees, until such time as the amounts are equal.

NOW THEREFORE, BE IT RESOLVED by the FORA Board of Directors as follows:

- 1. That the employer contribution for each employee shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members in a health benefits plan up to a maximum of \$883.00 per month with respect to employee enrolled for self alone, \$1617.00 per month for employee enrolled for self and one family member, and \$2047.00 per month for employee enrolled for self and two or more family members, plus administrative fees and Contingency Reserve Fund assessments.
- 2. That the Fort Ord Reuse Authority has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth in (1.) above.
- 3. That the participation of the employees and annuitants of Fort Ord Reuse Authority shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that Fort Ord Reuse Authority would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer.

4. That the executive body appoint and direct, and it does hereby appoint and direct, Executive Officer, Michael A. Houlemard Jr., to file with the Board a verified copy of this resolution, and to perform on behalf of Fort Ord Reuse Authority all functions required of it under the Act.

Adopted at a regular meeting of the Fort Ord Reuse Authority Board of Directors at 920 2<sup>nd</sup> Avenue, Marina, California, upon motion by Board Member\_\_\_\_\_, seconded by Board Member\_\_\_\_\_, the foregoing Resolution was passed on the \_\_\_day of\_\_\_\_,\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSTENTIONS:  
ABSENT:

\_\_\_\_\_  
Jane Parker, Chair

ATTEST:

\_\_\_\_\_  
Michael A. Houlemard, Jr.  
Clerk

DRAFT

<b>FORT ORD REUSE AUTHORITY BOARD REPORT</b>	
<b>CONSENT AGENDA</b>	
<b>Subject:</b>	Public Correspondence to the Board
<b>Meeting Date:</b>	April 12, 2019
<b>Agenda Number:</b>	7i
	<b>INFORMATION/ACTION</b>

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](mailto:board@fora.org) or mailed to the address below:

FORA Board of Directors  
 920 2<sup>nd</sup> Avenue, Suite A  
 Marina, CA 93933



# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

<b>Subject:</b>	Environmental Services Cooperative Agreement Quarterly Report	
<b>Meeting Date:</b>	April 12, 2019	<b>INFORMATION/ACTION</b>
<b>Agenda Number:</b>	8a	

### **RECOMMENDATION:**

- i. Receive an Environmental Services Cooperative Agreement (ESCA) Status Report.
- ii. Adopt Resolution 19-XX - *Resolution of the Fort Ord Reuse Authority ("FORA") finding that: 1) Contractors Arcadis, Westcliffe Engineers, Inc. and Weston Solutions, Inc. are Uniquely Qualified to Provide Long-Term Obligation Support Services Until 2028 Pursuant to an Amendment to the Environmental Services Cooperative Agreement ("ESCA"), between the U.S. Army ("Army") and FORA; 2) the Issuance of a Request for Proposals to these Uniquely Qualified Firms to Propose Terms for the Provision of these Support Services is Appropriate; and 3) the Executive Officer is Authorized to Enter into a Contract for Said Services on a Limited Competition Basis.*

### **BACKGROUND:**

In Spring 2005, the Army and the Fort Ord Reuse Authority (FORA) entered into negotiations toward an Army-funded Environmental Services Cooperative Agreement (ESCA) for removal of remnant Munitions and Explosives of Concern (MEC) on 3,340 acres of the former Fort Ord. FORA and the Army signed the ESCA agreement in early 2007. Under the ESCA terms, the Army awarded FORA approximately \$98 million to perform the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) MEC cleanup on those parcels. FORA also entered into the Administrative Order on Consent (AOC) with U.S. Environmental Protection Agency (EPA) and California Department of Toxic Substance Control (DTSC) (collectively referred to as Regulators) defining FORA's contractual conditions to complete the Army remediation obligations for the "ESCA parcels." FORA received ESCA parcel ownership after EPA approval and gubernatorial concurrence under a Finding of Suitability for Early Transfer on May 8, 2009.

To complete the ESCA and AOC obligations, FORA entered into a Remediation Services Agreement (RSA) in 2007 by competitively selecting LFR Inc. (now Arcadis) to provide MEC remediation services. Arcadis remediation services are executed under a cost-cap insurance policy through American International Group (AIG) assuring financial resources to complete the work and offer other protections for FORA and the jurisdictions. Arcadis ESCA contracting team included Westcliffe Engineers and Weston Solutions to provide Engineering, MEC Remediation and Public/Regulatory Outreach services.

The ESCA requires FORA, acting as the Army's contractor, to address safety issues resulting from historic Fort Ord munitions training operations. Through the ESCA, FORA and the ESCA Remediation Program (RP) team have successfully addressed three (3) historic concerns: 1) yearly federal appropriation funding fluctuations that delayed Army cleanup and necessitated costly mobilization and demobilization expenses; 2) Regulator questions about protectiveness of previous actions for sensitive uses; and, 3) the local jurisdiction, community and FORA's desire to reduce MEC property access risks.



Of the \$98 million that FORA ESCA RP received, FORA paid \$82.1 million upfront, to secure an AIG “cost-cap” insurance policy. AIG controlled the \$82.1 million in a “commutation” account and payed Arcadis directly as work was performed. AIG provides up to \$128 million assuring additional work (known and unknown) is completed to the Regulators satisfaction (see table below). Under these agreements, AIG pays Arcadis directly while FORA oversee Arcadis compliance with the ESCA and AOC requirements. On January 25, 2017, Arcadis notified FORA that the ESCA commutation account was exhausted and that future Arcadis work would be paid under the terms of the AIG “cost-cap” insurance policy until March 30, 2019. Arcadis continues to provide FORA with quarterly AIG cost-cap insurance invoicing estimates provided in the ESCA Quarterly Board Report.

**Post-ESCA Amendment ESCA Fund Status as of December 2018:**

Item	2017 Amendment Allocations	Accrued through December 2018	Invoiced to AIG Cost Cap-Policy
<b>Line Item 0001</b> Environmental Services			
FORA Self-Insurance or Policy	\$916,056	\$916,056	N/A
State of California Surplus Lines Tax, Risk Transfer, Mobilization	6,100,000	6,100,000	N/A
Contractor's Pollution Liability Insurance	477,344	477,344	N/A
Arcadis/AIG Commutation Account - plus- AIG insurance	82,117,553	82,117,553	\$5,269,268
Original FORA Administrative Fees	4,562,001	4,562,001	N/A
<b>Line Item 001: Subtotal</b>	<b>\$94,172,954</b>	<b>94,172,954</b>	<b>N/A</b>
<b>Line Item 0002</b> thru 31 Dec 2019: DTSC and EPA Technical Oversight Services	4,301,568	3,930,200	N/A
<b>Line Item 0003</b> thru 30 June 2020: FORA ESCA Administrative Funds	1,865,848	389,471	N/A
<b>Line Item 0004</b> thru 30 June 2028: Post-Closure MEC Find Assessments	528,651	0	N/A
<b>Line Item 0005</b> thru 30 June 2028: Long-Term/LUC Management	3,705,792	0	N/A
<b>Total</b>	<b>\$104,574,813</b>	<b>98,492,625</b>	<b>\$5,269,268</b>
	<b>ESCA Remainder</b>	<b>6,082,188</b>	<b>N/A</b>

The ESCA properties have received Records of Decision (RODs) documenting the cleanup and controls required to protect public health and safety and Land Use Control Implementation Plan/Operation and Maintenance Plans (LUCIP/OMP) implementing, operating and maintaining ROD controls tailored to individual site conditions and historic MEC use. The Final ESCA LUCIP/OMP documents were accepted by the Army and Regulators in February 2019. The future property owner staff (California State University Monterey Bay, City of Del Rey Oaks, Monterey County, City of Monterey and Monterey Peninsula College) have received LUCIP/OMP site-specific training workshops. The ESCA properties received the last EPA Remedial Action Completion letter February 2019. ESCA property cannot be transferred to the jurisdictions and remain closed for public access until DTSC Covenants Restricting Use of Property amendments, Army deed modifications and issuance of the Army CERCLA Warrantees are completed.

Please note that Regulatory approval of remedial completion does not determine land use. FORA will transfer land title to the appropriate jurisdiction for reuse programming. Underlying jurisdictions are authorized to impose or limit zoning, decide property density or make related land use decisions in compliance with the FORA Base Reuse Plan.

**DISCUSSION:**

ESCA Amendment 2017: ESCA Remedial Action Completion has initiated Army Long-Term Obligations (LTO) on ESCA property (see table above, Line Item 0004, Post-Closure MEC Find Assessments and Line Item 0005, Long-Term/LUC Management). Under the ESCA, FORA contracted for \$4,234,443, to take on the Army LTO until 2028. FORA (and its Successor) will need continued qualified ESCA LTO support services through 2028. The contracting firms of Arcadis, Weston Solutions, Inc. and Westcliffe Engineers, Inc. have provided ESCA-specific Engineering, MEC Remediation and Public/Regulatory Outreach services for over a decade and are uniquely knowledgeable/qualified to provide FORA with ESCA property LTO support services. Staff is requesting the FORA Board consider adopting Resolution 19-XX authorizing the FORA Executive Officer to retain the current ESCA team of Arcadis, Westcliffe Engineers and Weston Solutions to assist FORA by providing LTO support services at a cost not to exceed \$1,328,741.

**Attachment A.**


ESCA Amendment 2019: In 2018, Army BRAC Headquarters (HQ) in Washington D.C. changed their document review and approval process resulting in extended Army review of ESCA documents, driving ESCA work/costs beyond the March 30, 2019 AIG cost-cap insurance termination date. On August 2018, the FORA Board authorized the FORA Executive Officer and FORA Special Counsel, with FORA Executive Committee direction, to enter into Army negotiations for additional funds covering ESCA costs beyond the AIG cost-cap insurance policy expiration date. FORA staff met with Army BRAC HQ staff in Washington, D.C in December 2018. On February 20, 2019, Army BRAC HQ and U.S. Army Corps of Engineers contract support team visited/inspected the ESCA properties to finalize the Scope of Work and Estimate, which the Army accepted. On March 31, 2019, FORA received \$343,455 of Army funds covering ESCA costs beyond the AIG cost-cap insurance policy expiration date.

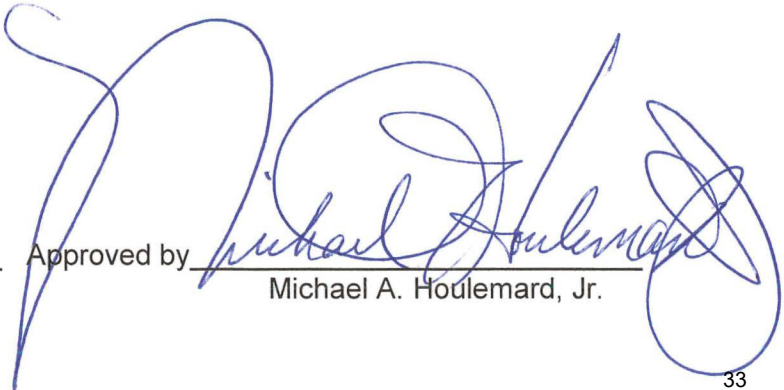
**FISCAL IMPACT:**

Reviewed by FORA Controller HF signing for Helen Rodriguez  
The actual cost to FORA of these Army obligations will be fully reimbursed.

**COORDINATION:**

Administrative Committee; Executive Committee; Authority Counsel; Special Counsel, Arcadis; Westcliffe Engineering, Weston Solutions, U.S. Army EPA; and DTSC.

Prepared by   
Stan Cook

Approved by   
Michael A. Houlemard, Jr.



## **FORT ORD REUSE AUTHORITY Resolution 19-XX**

*Resolution Of The Fort Ord Reuse Authority (“FORA”) Finding That: 1) Contractors Arcadis, Westcliffe Engineers, Inc. And Weston Solutions, Inc. Are Uniquely Qualified To Provide Long-Term Obligation Support Services Until 2028 Pursuant To An Amendment To The Environmental Services Cooperative Agreement (“ESCA”), Between The U.S. Army (“Army”) And FORA; 2) The Issuance Of A Request For Proposals To These Uniquely Qualified Firms To Propose Terms For the Provision Of These Support Services Is Appropriate; And 3) The Executive Officer Is Authorized To Enter Into A Contract For Said Services On A Limited Competition Basis.*

THIS RESOLUTION is adopted with reference to the following facts and circumstances:

- A. WHEREAS, in 2007, FORA and the Army entered into an ESCA for removal of remnant Munitions and Explosives of Concern (“MEC”) on 3,340 acres (“ESCA parcels”) of the former Fort Ord.
- B. WHEREAS, in 2005, FORA competitively selected Arcadis and their team of contractors Weston Solutions, Inc. and Westcliffe Engineers, Inc. to perform MEC remediation services.
- C. WHEREAS, in 2007, FORA entered a Remedial Services Agreement (“RSA”) with Arcadis for services that would terminate once ESCA parcels have received Regulatory Certificates of Completion for the MEC work.
- D. WHEREAS, in 2007, FORA also entered an Administrative Order on Consent (“AOC”) with the U.S. Environmental Protection Agency and California Department of Toxic Substance Control (collectively referred to as “Regulators”) defining FORA’s regulatory obligation to complete the Army’s “ESCA parcels” MEC remediation obligation.
- E. WHEREAS, in 2017, for the term after Regulatory Certificates of Completion are issued through June 30, 2028, FORA and the Army amended the ESCA so that FORA will provide the Army with (1) ESCA property Long-Term/Land Use Control (LUC) Management and (2) Post-Closure MEC Find Assessment Services (“Long-Term Obligation Support Services”), with FORA contracting out for these services for an amount not to exceed \$1,328,741, such funds to be provided by the Army.
- F. WHEREAS, in 2019, after significant work under the RSA, Army received Regulatory Certificates of Completion on the ESCA parcels.
- G. WHEREAS, in 2019, upon Regulatory Certificates of Completion receipt, Arcadis and FORA’s RSA terminates.
- H. WHEREAS, in 2019, after Regulatory Certificates of Completion have been issued, FORA is under contract with the Army to provide Long-Term Obligation Support Services associated with the ESCA parcels until June 30, 2028.
- I. WHEREAS, inasmuch as the Army is funding costs associated with FORA’s ESCA Long-Term Obligation Support Services, the purpose of this Resolution is to authorize FORA staff to enter into a contract with limited competition that will satisfy those obligations.

J. WHEREAS, in 2019, the firms of Arcadis, Weston Solutions, Inc. and Westcliffe Engineers, Inc. are uniquely qualified to provide Long-Term Obligation Support Services due to:

1. These contractors having direct experience with the ESCA parcels in developing, implementing and completing all ESCA required documentation to receive Regulatory Certificates of Completion since 2007 including MEC Remediation Work Plans, MEC Hazard Assessments, Records of Decision, Land Use Control Plan/Operations and Maintenance Plans;
2. Since these contractors performed the RSA, they have developed unique instructional and operational knowledge of the ESCA documents, affected property and LUCs;
3. These contractors created and processed the first and only MEC Find Assessment applicable to ESCA parcels and which received subsequent Regulatory Approval;
4. The 12-year relationship with the Regulators, the impacted jurisdictions, local stakeholders, and the Army establish a special and irreplaceable knowledge base; and
5. These contractors have been recognized in public and in industry review for their professional, qualified, efficient and careful practices in performing the highly specialized and complex requirements of the MEC remediation services.

K. WHEREAS, on June 30, 2020, FORA is anticipated to transition and FORA's ESCA responsibilities will be assumed by an ESCA successor.

NOW THEREFORE the Board hereby resolves that:

1. The contracting firms of Arcadis, Weston Solutions, Inc. and Westcliffe Engineers, Inc. are uniquely qualified to provide FORA and/or its ESCA Successor with Long-Term Obligation Support Services.
2. A Request for Proposals is authorized to be issued to the firms of Arcadis, Weston Solutions, Inc. and Westcliffe Engineers, Inc. to provide Long-Term Obligation Support Services under contract to FORA and its successor until June 30, 2028.
3. The FORA Executive Officer is authorized to accept proposals from each of these firms to provide FORA and its successor with multiple qualified contractors to support Long-Term Obligation Support Services until June 30, 2028, thereby allowing flexibility for FORA or its successor to mix and match contractor, staffing and availability with ESCA property management, at a cost not to exceed \$1,328,741.

Upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was passed on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSTENTIONS:  
ABSENT:

\_\_\_\_\_  
Supervisor Jane Parker, Chair

ATTEST:

\_\_\_\_\_  
\_ Michael A. Houlemard, Jr., Clerk

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

<b>Subject:</b>	2018 Transition Plan Progress Report and Legislative Update	
<b>Meeting Date:</b>	April 12, 2019	<b>INFORMATION</b>
<b>Agenda</b>	8b.i	
<b>Number:</b>		

### RECOMMENDATION:

- 1) Receive Status Update on Pending Legislation
- 2) Receive Fort Ord Reuse Authority ("FORA") 2018 Transition Plan Progress Report

### BACKGROUND:

At the March 22, 2019 Board meeting the FORA Board directed that draft legislation be submitted to the Legislative offices. Accordingly, those items were transmitted to our legislative offices. This report provides an update on legislation that will affect the transition.

### STATUS UPDATE – PENDING LEGISLATION

Senator Monning introduced two bills related to the FORA Act. Senate Bill (SB) 189 and SB533. SB 189, as currently drafted, among other things, extends FORA and the community facilities district by two (2) years, creates a re-comprised 5-member board of the underlying land use jurisdictions, property tax revenues, revision of the community facilities district ("CFD") boundaries and a California Environmental Quality Act ("CEQA") exemption. SB533 addresses prevailing wages, making all projects on Fort Ord public works projects. Each of those bills is making its way through the committees. As a part of the committee hearings and even afterwards, the language of the bills may change in form and/or substance. We anticipate SB189 to be heard in both the Senate Governance Committee and the Environmental Quality Committee. We expect SB533 to be referred to the Rules Committee for potential future committee hearing referral. Attached please find copies of SB189 and SB533 in their available form as of April 2, 2019. We can make updates available as we receive them from the legislative offices. Staff has been informed of transmittals and comments by local stakeholders and member jurisdictions to Senator Monning's office and we do expect that during the committee hearings and even perhaps on the floor, the language of the bills may change in form and/or substance.

As currently drafted, Senate Bill 189, incorporates several Board recommended items from the legislative language and intent forwarded to the Senator's office. However, it differs in some significant ways:

- A. It removes CSU Monterey Bay from the FORA recommended Successor Board language, leaving a 5-member board comprised of a representative from the underlying cities and County;
- B. It imposes a 2-year end date through 2022;
- C. It sustains the FORA CFD through 2022 and provides the ability for the boundaries to be modified by filing a revised boundary map;
- D. It dissolves property tax revenues beyond 2022, unless it is for debt issued by FORA prior to 2022;
- E. It retains the 50-50 land sales revenues split in place until 2022;
- F. It restructures the limited purpose and jurisdiction form of Board; and
- G. It includes a CEQA exemption for the reorganization, noting CEQA is still required to be performed by the jurisdictions for individual projects.

As currently drafted, SB 533 would deem as **public works** any work performed within the territory of Fort Ord if the contractor or subcontractor is required to pay prevailing wages pursuant to a resolution of the Fort Ord board, deed restriction, or covenant. The bill would authorize the Labor Commissioner, for the purpose of enforcing compliance with specified prevailing wage and payroll record provisions, to issue civil wage and assessment penalties to a contractor or subcontractor that performed work subject to the provisions of the bill. The bill would apply these provisions to work performed before the effective date of these provisions.

We anticipate that there are other pieces of legislation that will impact the transition and the jurisdictions' ability to take on components of the FORA work program, such as ACA-1, introduced by Assembly person Aguiar-Curry, which would create exceptions to the limitation on ad valorem taxes for the purposes of addressing public infrastructure and affordable housing. Likewise, other proposals include an expansion of the State's Housing Tax Credit, revisions to the Enhanced Infrastructure Financing Districts ("EIFD") removing the 55% voting requirement to issue debt and pairing them with federal Opportunity Zones program and short term and long-term planning and production grants for affordable housing and enhanced enforcement power to Housing and Community Development (HCD) and revisions to the regional housing needs assessment process. Our legislative consultants will be compiling other potential bills for Legislative Committee and subsequent Board review.

### **TRANSITION PLAN PROGRESS REPORT.**

A recap of prior status reports note that: During prior Board deliberation, leading to the December 2018 adoption of the 2018 Transition Plan, multiple issues and concerns arose - some of which required legislation. The current status of legislation is noted above. An often-debated concern noted during the 2018 Transition Plan adoption process was sustaining or replacing resources and revenue sharing mechanisms to address basewide community facilities, such as habitat, transportation, water augmentation and transit shortfalls. The existing FORA CFD currently provides such a financing mechanism, but requires legislation to extend beyond June 30, 2020. Major concerns were also expressed to ensure there were financial mechanisms in place to address "contingent" liabilities, such as the California Public Employees Retirement System ("CalPERS") shortfalls or litigation liabilities that continue post June 30, 2020. Steps have been taken by the Board to address this issue and new information about the liabilities will be available soon from CalPERS. Additional issues were raised about the nature and extent of the applicability of CEQA to the Transition Plan, the survivability and applicability of the Base Reuse Plan, the Master Resolution, and in particular, the prevailing wage and affordable housing policies. These issues are addressed by Senator Monning's legislation. Finally, issues related to the respective roles of Monterey County Local Area Formation Commission ("LAFCO") and FORA in crafting and enforcing the 2018 Transition Plan were left to be addressed by 2018 Transition Plan Implementing Agreements (TPIA), legislation or litigation.

Since the March 8, 2019 report, the facilitators continue to meet with the various stakeholders and are compiling background information. They met with the Administrative Committee on March 20, 2019 and April 3, 2019 to discuss transportation, transit, water, and other related Implementing Agreement issues. They have begun discussion on transferring FORA's regional transportation obligations and offsite transportation reimbursement agreements to TAMC and the holdover jurisdictions, to be financed by impact fees created or in place at those agencies. They also are discussing Implementing Agreement language to transfer of certain FORA rights and obligations to MCWD relative to water supply and allocation, and provisions for the region to continue cooperation on regional housing solutions.



The facilitation team has not yet completed all of their subject discussions with the member agencies and staff. FORA Staff recommends that a timeline for presentation of initial "Interim Transition Plan Implementing Agreements" be presented by the facilitator prior to requests for changes to FORA Board policy so the Board is able to deliberate with relevant information in hand. Included in this information would be regional housing efforts, regional transportation impact fees expected to be in place, water supply and related agreements between the jurisdictions and MCWD, and the status of any replacement financing districts. Finally, a comprehensive list of all Implementing Agreements and their status should be provided by the facilitator on a regular basis.

FORA Staff note the three-dimensional aspect of the current transition process. To underline the most salient issues: The FORA Board has met the statutory requirement to provide an approved Transition Plan to LAFCO as the 2018 Transition Plan has been accepted by LAFCO at its January meeting. The Board has also honored the desire of the holdover FORA jurisdictions to continue negotiations among themselves regarding post-FORA activities. To this end FORA engaged a Facilitator to work with the jurisdictions to help them craft such agreements which we are referring to as 2018 Transition Plan Implementing Agreements, and hired Economic, Financing, Human Resources, and Habitat Conservation consultants that can assist in this effort. There is no formal requirement or need to amend the 2018 Transition Plan for these agreements to take effect. And the third piece of the puzzle, Senator Monning's office has formally submitted legislation into the State legislative hopper that follows, but differs from the language endorsed by the FORA Board. Should legislation be approved by the State Legislature and signed by the Governor, staff is confident that all three of these elements can be harmonized to ensure a smooth transition.

Staff does note that the next several of months will be critical months: final year budget, final year Capital Improvement Program, habitat conservation plan publication, and property transfers as the environmental services program completes its work. The transition staffing program recommendations will be considered by the Executive Officer in the next months. The CalPERS actuarial analysis for terminated agency liability is anticipated on or around April 22, 2019 and will provide additional information for purposes of planning and budgeting.

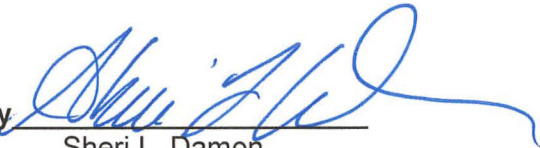
## ATTACHMENTS

**Attachment A:** SB 189

**Attachment B:** SB 533

**Attachment C:** Facilitation Team Update current status of 2018 Transition Plan Implementing Agreements and proposed Timeline for further discussion and completion

Prepared by

  
Sheri L. Damon

Prepared by

  
D. Steven Endsley

Approved by

  
Michael A. Houlemard, Jr.

AMENDED IN SENATE APRIL 1, 2019

**SENATE BILL**

**No. 189**

---

---

**Introduced by Senator Monning**

January 30, 2019

---

---

An act to ~~amend Section 67662 of~~ amend Sections 67652, 67655, 67660, and 67700 of, to add Section 67701 to, and to repeal Sections 67661, 67662, 67673, 67675.2, 67675.3, 67675.4, 67675.5, 67675.6, 67675.7, 67675.8, 67675.9, and 67690 of, 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: ~~ex officio members.~~ *member agencies: land use and zoning: dissolution.*

~~Existing~~

~~(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 and authorizes representatives of certain entities to serve as ex officio nonvoting members of the board. The act also authorizes the board to appoint or remove additional ex officio nonvoting members at its pleasure. comprised of 13 members representing the County of Monterey and specified cities within the county, which the act designates as "member agencies."~~

~~This bill would specify that the board is authorized to appoint or remove additional ex officio nonvoting members at its pleasure, including, but not limited to, representatives from state agencies or~~

~~campuses of the University of California or the California State University.~~

*This bill would reduce the size of the board from 13 members to 5 members and eliminate representation for certain cities. 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.*

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

*(3) 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.*

*This bill, on and after July 1, 2020, 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.*

*(4) 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.*

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

*(6) 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: ~~no~~-yes.  
State-mandated local program: ~~no~~-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 *(b) The transition plan, adopted by the Ford Ord Reuse*  
12 *Authority, will assure that ongoing, mandated requirements*  
13 *continue to be funded and addressed within the region covered by*  
14 *the authority, which will collect and distribute revenue for the*  
15 *limited environmental and infrastructure mission.*

1     *SEC. 2. Section 67655 of the Government Code is amended to*  
2     *read:*

3     67655. Unless the context otherwise requires, the definitions  
4     contained in this chapter govern the construction of this title.

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

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

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

12    (d) "*Community facilities district revenues*" means the revenues  
13    collected from the authority.

14    ~~(d)~~

15    (e) "Fort Ord Reuse Plan" means the plan for the future use of  
16    Fort Ord adopted pursuant to Section 67675.

17    ~~(e)~~

18    (f) "Legislative body" means the city council of a city or the  
19    board of supervisors of a county, or the legislative body or  
20    governing board of any other public agency.

21    ~~(f)~~

22    (g) "Local facility" means a public capital facility which, in the  
23    judgment of the board, is important primarily within a single city  
24    or the unincorporated area of the county.

25    ~~(g)~~

26    (h) "Member agency" means the County of ~~Monterey and the~~  
27    ~~City of Carmel, Monterey, the City of Del Rey Oaks, the City of~~  
28    ~~Marina, the City of Sand City, the City of Monterey, the City of~~  
29    ~~Pacific Grove, the City of Salinas,~~ or the City of Seaside.

30    ~~(h)~~

31    (i) "Fort Ord," including references to the territory or area of  
32    Fort Ord, means the geographical area described in the document  
33    entitled "Description of the Fort Ord Military Reservation Including  
34    Portion of the Monterey City Lands Tract No. 1, the Saucito,  
35    Laguna Seca, El Chamisal, El Toro and Noche Buena Ranchos,  
36    the James Bardin Partition of 1880 and Townships 14 South,  
37    Ranges 1 and 2 East and Townships 15 South, Ranges 2 and 3  
38    East, M.D.B. and M. Monterey County, California," prepared by  
39    Bestor Engineers, Inc., and delivered to the Sacramento District  
40    Corps of Engineers on April 11, 1994.

1 (j) “Property tax revenues” means the amount of property tax  
 2 revenues allocated to the authority pursuant to Section 33492.71  
 3 of the Healthy and Safety Code.

4 (i)

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

13 (j)

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

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

28 (n) “Underlying land use jurisdiction” means, singularly or in  
 29 the plural, the City of Monterey, the City of Del Rey Oaks, the City  
 30 of Seaside, the City of Marina, the County of Monterey, or the  
 31 California State University.

32 SEC. 3. Section 67660 of the Government Code is amended to  
 33 read:

34 67660. (a) The authority shall be governed by a board of ~~13~~  
 35 ~~five~~ members composed of the following:

36 ~~(1) One member appointed by the City of Carmel.~~

37 ~~(2)~~

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

39 ~~(3) Two members~~

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

1 ~~(4) One member appointed by Sand City.~~

2 ~~(5)~~

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

4 ~~(6) One member appointed by the City of Pacific Grove.~~

5 ~~(7) One member appointed by the City of Salinas.~~

6 ~~(8) Two members~~

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

8 ~~(9) Three members~~

9 (5) *One member* appointed by Monterey County.

10 (b) Notwithstanding subdivision (a), any local agency that does  
11 not adopt a resolution favoring establishment of the Fort Ord Reuse  
12 Authority pursuant to Section 67656 shall not be required to  
13 appoint a voting member to the board. The failure of a local agency  
14 to appoint a voting member to the board pursuant to this  
15 subdivision shall not alter or reduce the powers and duties of the  
16 authority or the board in any manner.

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

21 (d) Each board member and each alternate shall be a member  
22 of the legislative body making the appointment, except that  
23 ~~alternates~~ *the alternate* appointed by the Monterey County Board  
24 of Supervisors shall be ~~members~~ *a member* of the board of  
25 supervisors or county staff. Board members and alternates shall  
26 serve at the pleasure of the member agency making the  
27 appointment.

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

31 *SEC. 4. Section 67661 of the Government Code is repealed.*

32 ~~67661. The following may serve as ex officio nonvoting~~  
33 ~~members of the board:~~

34 ~~(a) A representative appointed by the Monterey Peninsula~~  
35 ~~Community College District.~~

36 ~~(b) A representative appointed by the Monterey Peninsula~~  
37 ~~Unified School District.~~

38 ~~(c) A representative designated by the Member of Congress that~~  
39 ~~has the majority portion of Ford Ord in his or her Congressional~~  
40 ~~District.~~

1 ~~(d) A representative designated by the Senator that has the~~  
 2 ~~majority portion of Ford Ord in his or her Senate District.~~

3 ~~(e) A representative designated by the Assembly Member that~~  
 4 ~~has the majority portion of Ford Ord in his or her Assembly~~  
 5 ~~District.~~

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

7 ~~(g) A representative designated by the Chancellor of the~~  
 8 ~~California State University.~~

9 ~~(h) A representative designated by the President of the~~  
 10 ~~University of California.~~

11 ~~(i) A representative designated by the Monterey County Water~~  
 12 ~~Resources Agency.~~

13 ~~(j) A representative designated by the Transportation Agency~~  
 14 ~~of Monterey County.~~

15 *SEC. 5. Section 67662 of the Government Code is repealed.*

16 ~~67662. The board may appoint or remove additional ex officio~~  
 17 ~~nonvoting members at its pleasure.~~

18 *SEC. 6. Section 67673 of the Government Code is repealed.*

19 ~~67673. The board may, at its pleasure, appoint an additional~~  
 20 ~~advisory committee or committees to provide the board with~~  
 21 ~~options, critique, analysis, and other information as it finds useful,~~  
 22 ~~and may provide mechanisms through which a committee may~~  
 23 ~~report to the board.~~

24 *SEC. 7. Section 67675.2 of the Government Code is repealed.*

25 ~~67675.2. After the board has adopted a reuse plan, each county~~  
 26 ~~or city with territory occupied by Fort Ord shall submit its general~~  
 27 ~~plan or amended general plan to the board, which satisfies both of~~  
 28 ~~the following:~~

29 ~~(a) The plan is submitted pursuant to a resolution adopted by~~  
 30 ~~the county or city, after a noticed public hearing, that certified that~~  
 31 ~~the portion of the general plan or amended general plan applicable~~  
 32 ~~to the territory of Fort Ord is intended to be carried out in a manner~~  
 33 ~~fully in conformity with this title.~~

34 ~~(b) It contains, in accordance with guidelines established by the~~  
 35 ~~board, materials sufficient for a thorough and complete review.~~

36 *SEC. 8. Section 67675.3 of the Government Code is repealed.*

37 ~~67675.3. (a) The board shall, within 90 days after the submittal,~~  
 38 ~~after a noticed public hearing, either certify or refuse to certify, in~~  
 39 ~~whole or in part, the portion of the general plan or amended general~~  
 40 ~~plan applicable to the territory of Fort Ord.~~

1 ~~(b) Where a general plan or amended general plan is refused~~  
 2 ~~certification, in whole or in part, the board shall provide a written~~  
 3 ~~explanation and may suggest modifications, which, if adopted and~~  
 4 ~~transmitted to the board by the county or a city, will allow the~~  
 5 ~~amended general plan to be deemed certified upon confirmation~~  
 6 ~~of the executive officer of the board. The county or a city may~~  
 7 ~~elect to meet the board's refusal of certification in a manner other~~  
 8 ~~than as suggested by the board and may then resubmit its revised~~  
 9 ~~general plan to the board. If the county or a city requests that the~~  
 10 ~~board not recommend or suggest modifications which if made will~~  
 11 ~~result in certification, the board shall refuse certification with the~~  
 12 ~~required findings.~~

13 ~~(c) The board shall approve and certify the portions of a general~~  
 14 ~~plan or amended general plan applicable to the territory of Fort~~  
 15 ~~Ord, or any amendments thereto, if the board finds that the portions~~  
 16 ~~of the general plan or amended general plan applicable to the~~  
 17 ~~territory of Fort Ord meets the requirements of this title, and is~~  
 18 ~~consistent with the Fort Ord Reuse Plan.~~

19 *SEC. 9. Section 67675.4 of the Government Code is repealed.*

20 ~~67675.4. (a) Within 30 days after the certification of a general~~  
 21 ~~plan or amended general plan, or any portion thereof, the board~~  
 22 ~~shall, after consultation with the county or a city, establish a date~~  
 23 ~~for that county or city to submit the zoning ordinances, zoning~~  
 24 ~~district maps, and, where necessary, other implementing actions~~  
 25 ~~applicable to the territory of Fort Ord.~~

26 ~~(b) If the county or a city fails to meet the schedule established~~  
 27 ~~pursuant to subdivision (a), the board may waive the deadlines for~~  
 28 ~~board action on submitted zoning ordinances, zoning district maps,~~  
 29 ~~and, where necessary, other implementing actions, as set forth in~~  
 30 ~~Section 67675.5.~~

31 *SEC. 10. Section 67675.5 of the Government Code is repealed.*

32 ~~67675.5. (a) The county and cities shall submit to the board~~  
 33 ~~the zoning ordinances, zoning district maps, and, where necessary,~~  
 34 ~~other implementing actions applicable to the territory of Fort Ord~~  
 35 ~~that are required pursuant to this title.~~

36 ~~(b) The board may only reject zoning ordinances, zoning district~~  
 37 ~~maps, or other implementing actions on the grounds that they do~~  
 38 ~~not conform with, or are inadequate to carry out, the provisions of~~  
 39 ~~the certified general plan applicable to the territory of Fort Ord. If~~  
 40 ~~the board rejects the zoning ordinances, zoning district maps, or~~

1 other implementing actions applicable to the territory of Fort Ord,  
 2 it shall give written notice of the rejection specifying the provisions  
 3 of the general plan with which the rejected zoning ordinances do  
 4 not conform or which it finds will not be adequately carried out,  
 5 together with its reasons for the action taken.

6 ~~(e) The board may suggest modifications in the rejected zoning~~  
 7 ~~ordinances, zoning district maps, or other implementing actions,~~  
 8 ~~which, if adopted by the county or cities and transmitted to the~~  
 9 ~~board, shall be deemed approved upon confirmation by the~~  
 10 ~~executive officer of the board.~~

11 ~~(d) The county or cities may elect to meet the board's rejection~~  
 12 ~~in a manner other than as suggested by the board and may then~~  
 13 ~~resubmit its revised zoning ordinances, zoning district maps, and~~  
 14 ~~other implementing actions to the board.~~

15 *SEC. 11. Section 67675.6 of the Government Code is repealed.*

16 ~~67675.6. (a) Except for appeals to the board, as provided in~~  
 17 ~~Section 67675.8, after the portion of a general plan applicable to~~  
 18 ~~Fort Ord has been certified and all implementing actions within~~  
 19 ~~the area affected have become effective, the development review~~  
 20 ~~authority shall be exercised by the respective county or city over~~  
 21 ~~any development proposed within the area to which the general~~  
 22 ~~plan applies.~~

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

26 *SEC. 12. Section 67675.7 of the Government Code is repealed.*

27 ~~67675.7. After the board has certified a general plan or an~~  
 28 ~~amended general plan, any amendments to that certified plan that~~  
 29 ~~are applicable to the territory of Fort Ord shall take effect only~~  
 30 ~~upon certification in the same manner as for the initially certified~~  
 31 ~~plan, as provided in this title.~~

32 *SEC. 13. Section 67675.8 of the Government Code is repealed.*

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 (e) 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 *SEC. 14. Section 67675.9 of the Government Code is repealed.*

9 ~~67675.9. If an environmental impact statement on the closure  
10 and reuse of Fort Ord has been prepared and filed pursuant to the  
11 National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321  
12 et seq.), the board may proceed in the following manner:~~

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

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

38 ~~(c) In all other respects, the environmental impact report for the  
39 reuse plan shall be completed in compliance with the California  
40 Environmental Quality Act.~~

1 *SEC. 15. Section 67690 of the Government Code is repealed.*

2 ~~67690. In addition to any funds received from federal and state~~  
 3 ~~agencies for the expenses of operating the Fort Ord Reuse~~  
 4 ~~Authority, the board may receive contributions from agencies~~  
 5 ~~represented on the board. Each agency represented by a board~~  
 6 ~~member shall contribute to the authority, on or before August 1~~  
 7 ~~of each fiscal year, the sum of fourteen thousand dollars (\$14,000)~~  
 8 ~~for each board member that the agency appoints. Each public~~  
 9 ~~agency which is represented on the board by an ex officio member~~  
 10 ~~shall contribute to the authority, on or before August 1 of each~~  
 11 ~~fiscal year, the sum of seven thousand dollars (\$7,000). For~~  
 12 ~~purposes of this section, the term “public agency” does not include~~  
 13 ~~any elected official of the federal or state government.~~

14 *SEC. 16. Section 67700 of the Government Code is amended*  
 15 *to read:*

16 67700. (a) (1) ~~This title shall become inoperative when the~~  
 17 ~~board determines that 80 percent of the territory of Fort Ord that~~  
 18 ~~is designated for development or reuse in the plan prepared~~  
 19 ~~pursuant to this title has been developed or reused in a manner~~  
 20 ~~consistent with the plan adopted or revised pursuant to Section~~  
 21 ~~67675, or June 30, 2020, whichever occurs first, and on January~~  
 22 ~~1, 2021, this title is repealed. on June 30, 2022.~~

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

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

28 ~~(b)~~

29 (c) (1) ~~The Monterey County Local Agency Formation~~  
 30 ~~Commission shall provide for the orderly dissolution of the~~  
 31 ~~authority including ensuring once an agreement with a successor~~  
 32 ~~agency has been finalized. The Monterey County Local Agency~~  
 33 ~~Formation Commission shall ensure that all contracts, agreements,~~  
 34 ~~and pledges to pay or repay money entered into by the authority~~  
 35 ~~are honored and properly administered, and that all assets of the~~  
 36 ~~authority are appropriately transferred.~~

37 (2) ~~The board shall approve and submit a transition plan to the~~  
 38 ~~Monterey County Local Agency Formation Commission on or~~  
 39 ~~before December 30, 2018, or 18 months before the anticipated~~  
 40 ~~inoperability of this title pursuant to subdivision (a), whichever~~

1 ~~occurs first.~~ 2018. The transition plan shall assign assets and  
 2 liabilities, designate responsible successor agencies, and provide  
 3 a schedule of remaining obligations. The transition plan shall be  
 4 approved only by a majority vote of the board.

5 *(d) Upon dissolution of the authority, all remaining and future*  
 6 *community facilities district revenues shall be transferred to the*  
 7 *County of Monterey. The County of Monterey shall disburse those*  
 8 *community facilities district revenues to each underlying land use*  
 9 *jurisdiction on a pro rata basis, based on the source of the revenue*  
 10 *or another method that the County of Monterey determines is*  
 11 *reasonable.*

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

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

28 *(g) The County of Monterey may, before disbursing revenues*  
 29 *as provided in this section, deduct an amount equal to the*  
 30 *reasonable cost of administering this section out of the remaining*  
 31 *revenues of the authority to be disbursed.*

32 *SEC. 17. Section 67701 is added to the Government Code, to*  
 33 *read:*

34 *67701. (a) On and after July 1, 2020, the authority may do all*  
 35 *of the following:*

36 *(1) Implement the transition plan.*

37 *(2) Manage the community facilities district boundaries.*

38 *(3) Make appropriate revisions to the boundaries of the*  
 39 *community facilities district established by the board as*  
 40 *replacement funding mechanisms are created by underlying land*

1 *use jurisdictions pursuant to subdivision (b). Revisions to the*  
2 *community facilities district boundaries shall be made by filing*  
3 *an amended map of the community facilities district.*

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

5 *(5) Collect and disburse property tax revenues.*

6 *(6) Disburse revenues collected for the purposes of the habitat*  
7 *conservation plan, transportation, transit, and water supply*  
8 *pursuant to Section 67675.*

9 *(7) Continue as the local reuse authority for purposes of the*  
10 *federal government and property transfers, including receipt of*  
11 *federal grant funding.*

12 *(8) Ensure that all pledges, contracts, or obligated payment are*  
13 *funded and appropriately carried out.*

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

26 *(c) The transitional plan adopted by the board for organizational*  
27 *changes shall be deemed to be within the scope of the Class 20*  
28 *exemption provided by Section 15320 of Title 14 of the California*  
29 *Code of Regulations.*

30 *SEC. 18. Section 33492.79 is added to the Health and Safety*  
31 *Code, to read:*

32 *33492.79. This article shall become inoperative as of the date*  
33 *of the dissolution of the Fort Ord Reuse Authority pursuant to*  
34 *Section 67700 of the Government Code or the retirement of the*  
35 *authority's debt as provided in subdivision (e) of Section 67700*  
36 *of the Government Code, whichever occurs later.*

37 *SEC. 19. The Legislature finds and declares that a special*  
38 *statute is necessary and that a general statute cannot be made*  
39 *applicable within the meaning of Section 16 of Article IV of the*  
40 *California Constitution because of the unique circumstances in*

1 *the County of Monterey relating to the dissolution of the Ford Ord*  
2 *Reuse Authority.*

3 *SEC. 20. If the Commission on State Mandates determines that*  
4 *this act contains costs mandated by the state, reimbursement to*  
5 *local agencies and school districts for those costs shall be made*  
6 *pursuant to Part 7 (commencing with Section 17500) of Division*  
7 *4 of Title 2 of the Government Code.*

8 ~~SECTION 1. Section 67662 of the Government Code is~~  
9 ~~amended to read:~~

10 ~~67662. The board may appoint or remove additional ex officio~~  
11 ~~nonvoting members at its pleasure, including, but not limited to,~~  
12 ~~representatives from state agencies or campuses of the University~~  
13 ~~of California or the California State University.~~

AMENDED IN SENATE MARCH 28, 2019

**SENATE BILL**

**No. 533**

---

---

**Introduced by Senator Monning**

February 21, 2019

---

---

An act to ~~amend Section 67675 of~~ *add Section 67686 to the Government Code, relating to local government.*

LEGISLATIVE COUNSEL'S DIGEST

SB 533, as amended, Monning. ~~Fort Ord Reuse Authority. Fort Ord Reuse Authority: prevailing wages.~~

Existing law authorizes specified local agencies to establish the Fort Ord Reuse Authority as a public corporation of the state and authorizes the authority's board to adopt the Fort Ord Reuse Plan, as specified. Existing law requires the board of the authority to prepare, adopt, review, revise from time to time, and maintain a plan for the future use and development of the territory occupied by Fort Ord.

*Existing law defines the term "public works" for purposes of requirements regarding the payment of prevailing wages, the regulation of working hours, and the securing of workers' compensation for public works projects. Existing law requires that, except as specified, not less than the general prevailing rate of per diem wages, determined by the Director of Industrial Relations, be paid to workers employed on public works projects. Existing law authorizes the Labor Commissioner to issue civil wage and assessment penalties to a contractor or subcontractor that fails to pay prevailing wages in connection with a public work.*

*This bill would deem as public works any work performed within the territory of Fort Ord if the contractor or subcontractor is required to pay prevailing wages pursuant to a resolution of the Fort Ord board,*

deed restriction, or covenant. The bill would authorize the Labor Commissioner, for the purpose of enforcing compliance with specified prevailing wage and payroll record provisions, to issue civil wage and assessment penalties to a contractor or subcontractor that performed work subject to the provisions of the bill. The bill would apply these provisions to work performed before the effective date of these provisions. The bill would require all contractors and subcontractors performing work subject to these provisions to register with the Department of Industrial Relations, as specified.

~~This bill would make nonsubstantive changes to that provision.~~

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

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

1     SECTION 1. Section 67686 is added to the Government Code,  
2 to read:  
3     67686. (a) (1) For purposes of Sections 1774 and 1776 of the  
4 Labor Code, work performed within the territory of Fort Ord for  
5 which a contractor or subcontractor is required to pay prevailing  
6 wages pursuant to a resolution of the board, deed restriction, or  
7 covenant shall be deemed public works.  
8     (2) The Labor Commissioner may issue civil wage and penalty  
9 assessments, pursuant to Sections 1741 to 1743, inclusive, of the  
10 Labor Code to enforce compliance with Sections 1774 and 1776  
11 of the Labor Code.  
12     (3) This subdivision shall apply retroactively to work performed  
13 prior to the effective date of this section.  
14     (4) The requirements and remedies provided by this subdivision  
15 shall be in addition to any requirements and remedies otherwise  
16 provided by law.  
17     (b) Contractors and subcontractors entering into any contract  
18 to perform work covered by subdivision (a) after the effective date  
19 of this section shall register with the Department of Industrial  
20 Relations pursuant to Section 1725.5 of the Labor Code, even if  
21 the registration requirement would not otherwise apply.  
22     (c) Notwithstanding Section 67700, this section shall remain in  
23 effect until all work covered by this section has been completed,  
24 all enforcement actions have concluded, and the time limitations  
25 for such enforcement actions have expired.

1 SECTION 1. ~~Section 67675 of the Government Code is~~  
2 ~~amended to read:~~

3 ~~67675. (a) The board shall prepare, adopt, review, revise from~~  
4 ~~time to time, and maintain a plan for the future use and~~  
5 ~~development of the territory occupied by Fort Ord as of January~~  
6 ~~1, 1993. The adopted plan shall be the official local plan for the~~  
7 ~~reuse of the base for all public purposes, including all discussions~~  
8 ~~with the Army and other federal agencies, and for purposes of~~  
9 ~~planning, design, and funding by all state agencies.~~

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

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

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

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

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

38 ~~(4) A recreation plan for the development, use, and management~~  
39 ~~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) Basewide facilities identified by the board pursuant to~~  
 8 ~~Section 67679.~~

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

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

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

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



<b>DATE:</b>	April 3, 2019
<b>TO:</b>	Michael Houlemard, Fort Ord Reuse Authority (FORA) Executive Officer
<b>cc recipients:</b>	Steve Endsley, Assistant Executive Officer Robert Norris, Principal Analyst Sheri Damon, Risk Manager / Prevailing Wage Coordinator
<b>FROM:</b>	Kendall Flint, Project Manager, Transition Facilitation Team Steve Flint, Assistant Project Manager, Transition Facilitation Team REGIONAL GOVERNMENT SERVICES (RGS)
<b>SUBJECT:</b>	FORA Transition Facilitation Team Update

Over the past two-and-a-half months, RGS has met with more than 70 representatives from FORA member and ex-officio agencies, local stakeholders, service districts, educational agencies, environmental groups, US Army Base Realignment and Closure (BRAC) offices and regional planning interests. We believe we are nearing the completion of our data collection and are initiating implementing agreement development to ensure a smooth transition from FORA to the Cities and County. These will be based on the 2018 Transition Plan (as may be augmented by agreements or legislation).

There are several key issues we have identified as part of our facilitation efforts and we believe we are closing in on mutually agreeable solutions to each that we would be able to present the Board’s April 12, 2019 meeting. At that time, based on Board direction, we can incorporate them into the Draft Agreements which we would like to complete by June 2019.

**A. Local Transportation Projects and 2019-2020 FORA CIP**

The FORA Administrative Committee (Admin) discussed local transportation projects in FORA’s Capital Improvement Program at its March 20, 2019 meeting. At that time, the group agreed that those projects would be transferred to their local jurisdictions who would be responsible for the development and collection of developer impact fees for those projects and, if necessary, build. This action is predicated on the funding and completion of three projects to be included in the 2019-2020 CIP: South Boundary Road (Project # FO14), GJM Boulevard /SBR Intersection (Project # F09C) and the completion of the Environmental Impact Report for NE-SW Connector (FO13B). All other local projects will be included in the transition implementing agreements between FORA and the Cities of Marina, Seaside, Monterey and the County.

**B. Regional Transportation Projects**

The Admin and TAMC staff have not reached an agreement regarding the responsibility for regional projects. This issue was revisited at the Admin Committee at its April 3, 2019 meeting. The Cities of Marina, Seaside and the County favor transferring responsibility for these projects and collection of associated fees to TAMC. Monterey, Del Rey Oaks and Sand City expressed concerns that fees generated through FORA’s CFD may be used for projects outside of the FORA project area. The Board will ultimately have to determine how to proceed.

**C. Water/Wastewater and Water Augmentation**

Our team has held numerous meetings with the staff and management of the Marina Coast Water District (MCWD). MCWD plans to take over responsibility for these items as part of its Capital Improvement Program which was presented at the Admin Committee on April 3, 2019.

MCWD will prepare agreements post-FORA for agencies that clearly establish that MCWD will honor all water allocations for each agency as defined in its current agreement with FORA and will not transfer or reallocate any water. If the MCWD commitments to honor the allocation and augmentation commitments can be confirmed in an implementing agreement, we believe this element of the CIP should be removed, reducing CFD fees.

**D. Regional Housing/Affordable Housing**

RGS has held preliminary meetings with the Association of Monterey Bay Area Governments (AMBAG) and staff at the State’s Housing and Community Development Office to determine the viability of establishing the County as a sub-region to facilitate the development of a multi-jurisdictional housing element similar to the action taken by the jurisdictions in San Mateo County. Member agencies including the County are generally supportive of this idea as it allows for regional collaboration and would assist multiple cities in reaching compliance with State housing mandates. While this may not result in an implementing agreement, the potential benefit could address the concerns about FORA’s affordable housing requirements post 2020. We will continue to keep the Board updated on the action and FORA Economic Development staff will serve as clearing house and incubator for future efforts.

**E. Habitat Conservation Plan**

Our team has held several meetings with staff and FORA’s consultant team at Denise Duffy & Associates to review the transition effort relating to the Habitat Conservation Plan (HCP). The environmental document for the HCP will be released this month and we plan to thoroughly review it to determine its potential effects on the implementing agreements between agencies.

A distinct Joint Powers Authority made up of 13 agencies will be responsible for the implementation of the HCP with funding provided through either an extension of the FORA CFD, by revenue generated from an endowment established by the sale of property owned by FORA and/or a new fee established for that purpose. FORA member agencies rely on the HCP to provide environmental compliance with the reuse plan and necessary take permits and have been very clear on their support of this post-FORA. However, some have expressed concern that the scope of the plan may be overly broad. This will undoubtedly be discussed when the HCP is released.

We are also meeting with representatives from the Monterey Peninsula Regional Park District to discuss the possibility of outsourcing the implementation of the HCP to them. This would be preferable to the JPA and/or a post-FORA entity hiring “staff” to issue permits and provide ongoing maintenance, should the U.S. Fish & Wildlife service and California Department of Fish & Wildlife approve.

**F. Monterey-Salinas Transit**

Funding for Monterey-Salinas Transit (MST) is currently included in the FORA CIP, funded through the CFD. While TAMC provides some funding for MST in its CIP, agencies seem to agree that FORA’s funding level needs to be maintained either by increasing fees collected by TAMC or by continued fee generation through the FORA CFD. This approach is also highly supported by representatives from UC Santa Cruz, Cal State University Monterey Bay and Monterey Peninsula College – all of which said transit services are critical to their student populations. TAMC staff is reviewing its fee structure and plans to revisit this at a future Admin Committee meeting. At this point, there appears to be consensus that TAMC augment Transit funds but there is no plan for this yet.

**G. Environmental Services Cooperative Agreement (ESCA)**

The U.S. Army and FORA entered into an Army-funded ESCA to address clean-up and remediation of munitions and explosives on the base. The Army will only recognize one agency to provide this service post-FORA. The City of Seaside has expressed interest in taking over this role however this must be approved by the Army and California’s Department of Toxic Substances Control. We recommend the FORA staff currently providing this staff work transition to the City in order to maintain consistency and provide assurance to the BRAC team that an experienced team will continue to lead this effort.

RGS will include language in the implementing agreements that tie local agencies to comply with efforts conducted by the City of Seaside as part of its implementation of the ESCA.

On a separate note, the US Army will not have completed all property transfers under the Economic Development Conveyance Agreement as of June 30, 2020. An entity will need to be identified to take over that responsibility.

**H. Building Removal**

A separate effort to determine the best means to fund the removal of remaining structures is currently underway with NHA Advisors, even though this is not a FORA obligation. A status report is scheduled for the FORA Board at its April meeting. We will continue to monitor this effort to determine if it results in any language needed for the implementing agreements.

**Our proposed schedule moving forward for the next two months is as follows:**

- April 3, 2019 Admin Committee (Water/Regional Transportation)
- April 12, 2019 Board Update
- April 17, 2019 Admin Committee (Housing/ESCA)
- May 1, 2019 Admin Committee (Unresolved Issues/Review of Water)
- May 10, 2019 Board Update
- June 5, 2019 Admin Committee (Draft Agreement Structure)
- June 14, 2019 Board Update (Draft Agreements)

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEMS

<b>Subject:</b>	Transition Plan Transportation Study	
<b>Meeting Date:</b>	April 12, 2019	<b>INFORMATION</b>
<b>Agenda Number:</b>	8b.ii.	

### **RECOMMENDATION:**

Authorize Executive Officer to negotiate/execute a Service Work Order with Whitson Engineers Master Service Contract for a Transition Plan Transportation Study not to exceed \$150,000.

### **BACKGROUND/DISCUSSION:**

Government Code section 67700(a) requires the Fort Ord Reuse Authority (FORA) dissolve when eighty percent (80%) of the base has been reused in a manner consistent with the reuse plan or on June 30, 2020, whichever first occurs. Section 67700(b)(2) of the same code mandates:

*The board shall approve and submit a transition plan to the Monterey County Local Agency Formation Commission on or before December 30, 2018, or 18 months before the anticipated inoperability of this title pursuant to subdivision (a), whichever occurs first. 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.*

In December 2018, the FORA Board resolved to implement a Transition Plan by approving Resolution 18-11. Section 2.2.6 of this resolution addresses transportation and transit stating:

*"...With respect to the projects for which FORA is the lead agency and which no jurisdiction has addressed in its Transition Plan Implementing Agreement (TPIA), FORA working in conjunction with Transportation Agency of Monterey County (TAMC) shall prepare a regional traffic modeling analysis showing the inclusion of the FORA lead agency on-site roads as compared to the removal of the FORA lead agency roads on the remaining Fort Ord roads. In particular, off-site, regional and on-site Fort Ord local roads within or adjacent to the City of Marina, City of Seaside, City of Del Rey Oaks, and County of Monterey shall be analyzed to ascertain the impact on the Ord Community, including without limitation, California State University Monterey Bay, University of California Monterey Bay Science and Technology, Monterey Peninsula College, the Veteran's Cemetery, the Army and the National Monument, and the regional network, so as to inform the last year Capital Improvement Program (CIP.."*

Therefore, a traffic modeling analysis or 'transportation study' of FORA lead agency roadways is essential to inform the last year CIP. The likely study completion date will be late summer 2019.

To accomplish this study, FORA staff recommends adding a Service Work Order to the FORA Whitson Engineers Master Services Contract. Whitson Engineers was selected through a public qualifications process in July 2017 as the best qualified engineering firm to provide Engineering Services for Roadways and Transportation.



This regional traffic modeling analysis scope (**Attachment A**) will compare the existing conditions of the Fort Ord roadway network to a 'build out' of the 2040 Regional Transportation Plan (RTP) with and without the FORA lead projects. The scope includes up to eight coordination meetings, which will include TAMC.

Therefore, Staff is recommending the Board authorize the Executive Officer to negotiate/execute a Service Work Order to the Master Service Contract with Whitson Engineers to perform Transition Plan Transportation Study to not exceed \$150,000.

**FISCAL IMPACT:**

Reviewed by FORA Controller HF signing for Helen Rodriguez

The FORA Board approved up to \$150,000 in funding in the 2018-2019 Mid-Year Budget

**COORDINATION:**

Authority Counsel, Administrative and Executive Committees, and TAMC.

Prepared by D. Steven Eddy for Peter Said      Reviewed by Jonathan Brinkmann Jonathan Brinkmann

Approved by Michael A. Houlemard, Jr. Michael A. Houlemard, Jr.

# Fort Ord Reuse Authority 2020 Transition Transportation Study

## Project Number: CIP16 Introduction and Scope of Work:

April 3, 2019

### **PURPOSE:**

The Fort Ord Reuse Authority (FORA) in conjunction with the Transportation Agency of Monterey County (TAMC) is seeking a consultant to prepare a regional traffic modeling analysis which will compare the existing conditions of the Fort Ord roadway network (E1) to a 'no build of FORA CIP' (C1) and 'build FORA CIP' (C2) scenarios. As an additive work order option, FORA and TAMC may develop, and have the consultant analyze, an alternative list of roadways to mitigate the C1 scenario.

### **BACKGROUND:**

Government Code section 67700(a) requires that FORA dissolve when eighty percent (80%) of the base has been developed or reused in a manner consistent with the Reuse Plan or on June 30, 2020, whichever first occurs. Government Code section 67700(b)(2) mandates as follows:

*The board shall approve and submit a transition plan to the Monterey County Local Agency Formation Commission on or before December 30, 2018, or 18 months before the anticipated inoperability of this title pursuant to subdivision (a), whichever occurs first. 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. (Emphasis added)*

In December 2018 The FORA Board Resolved to implement a Transition Plan (Resolution 18-11). Section 2.2.6 of the Transition Plan Resolution on Transportation and Transit states the following:

*...With respect to the projects for which FORA is the lead agency and which no jurisdiction has addressed in its Transition Plan Implementing Agreement, FORA working in conjunction with TAMC shall prepare a regional traffic modeling analysis showing the inclusion of the FORA lead agency on-site roads as compared to the removal of the FORA lead agency roads on the remaining Fort Ord roads. In particular, off-site, regional and on-site Fort Ord local roads within or adjacent to the City of Marina, City of Seaside, City of Del Rey Oaks, and County of Monterey shall be analyzed to ascertain the impact on the Ord Community, including without limitation, California State University Monterey Bay ("CSUMB"), University of California Monterey Bay Science and Technology ("UC MBEST"), Monterey Peninsula College ("MPC"), the Veteran's Cemetery, the Army and the National Monument, and the regional network, so as to inform the last year CIP...*

## **SCOPE OF WORK**

Time is of the Essence for the work listed herein, and **FORA has set a hard completion date of \_\_ ( 2 months)\_ 2019**. The consultant is responsible to secure and assign the resources, materials, and equipment necessary to achieve this goal, including contingency and adequate risk mitigations for unforeseen risks prior to the start of work.

**The consultant is responsible to become familiar with the details of the following prior to start:**

- 1997 Fort Ord Regional Transportation Study.
- 2005 FORA Fee Reallocation Study.
- 2017 FORA Fee Reallocation Study.
- Association of Monterey Bay Area Governments (AMBAG) Regional Traffic Demand Model (RTDM)
- FORA Capital Improvement Program.
- Ongoing roadway projects near or on the former Fort Ord such as the City of Marina's Imjin Rd.

**The Consultant is required to:**

- Use a model based on the AMBAG RTDM.
  - Validate land-use assumption with FORA prior to performing baseline analysis.
  - Use FORA's updated Development Projects for FY 19-20.
  - Collect and use FORA member jurisdictions' most recent traffic counts.
- Ensure Traffic Analysis Zones conform to existing property lines and land use designations. No TAZ's with split designations or split properties.
- Provide results in terms of Level of Service.
  - LOS D shall be considered failing.
- Provide all analysis using industry best practices.
- Provide maps for each analysis (PDF + Print).
- Provide all data in table form (PDF + Excel).

**The Consultant shall assume**

- City of Marina Imjin Road Widening Project (From Reservation Rd. to Imjin Connector) is built.
- 8<sup>th</sup> Street between Imjin Connector and 2<sup>nd</sup> Avenue is open and has trips equal to Divarty St.
- Consultant shall show the trip count of segments in-between major arterial network intersections (Attachment A) on the map, and in a separate table.
- Consultant shall show the trip delta between the comparison analysis on the maps and the tables.



### **TASK 1: PROJECT MANAGEMENT AND MEETINGS**

Consultant team shall provide for 4 meetings with Administrative Committee, 2 meetings with Technical Advisory Committee, and 6 meetings with FORA and TAMC Staff.

Consultant shall provide for the Quality Assurance and Quality Control for all deliverables to FORA such that minimal information, grammar, and spelling mistakes exist in the documents (no more than 3). All maps shall be easily readable, include a legend, and be clear in the information being conveyed.

Consultant shall provide preliminary DRAFT documents in PDF and Hardcopy with tables in excel format. All DRAFT Documents must be dated, include the revision number, file name, and shall state:

### **TASK 2: BASELINE ANALYSIS**

1. Consultant must deliver an analysis of the existing conditions **(E1)** of FORA On-Site & Off-site Roadway Network (Attachment A) and major arterials. As part of this analysis, up to 45 weekday tube counts will be completed. The Consultant will work with the FORA to determine which segments on Exhibit A will be specifically evaluated. Up to 45 locations will be evaluated using planning level of service (LOS) analysis. Consultant will prepare LOS mapping and tabular summary data.

#### *Deliverables*

1. Up to 45 traffic counts
2. LOS Map for **(E1)**
3. Tabular summary data for **(E1)**

### **TASK 3: PROJECTIONS AND EXISTING CONDITIONS COMPARISON**

1. Deliver an analysis of 2040 year conditions for the following scenarios:
  - a. **(C1)** FORA CIP (including on-site & off-site roadway network) including Northeast-Southwest Connector as it is included in the RTP (“Connector”)
  - b. **(C2)** FORA CIP including Connector between Eucalyptus Road and Watkins Gate (as currently proposed in the NOP for the EIR.
  - c. **(C3)** FORA CIP, excluding Connector, with a new roadway between Eucalyptus Road and 8<sup>th</sup> Street (“Alternative Roadway 1”)
  - d. **(C4)** FORA CIP, excluding Connector and Alternative Roadway 1
  - e. **(C5)** FORA CIP, excluding Connector, Alternative Roadway 1, and widening Gigling Road
    - i. Consultant will update the current 2040 AMBAG Travel Demand Model (TDM) to reflect current FORA land use planning. This data will be verified with the FORA project manager.
    - ii. Consultant will prepare LOS mapping and separate summary tabular data for the resultant Scenario **(C1-C5)** networks.
    - iii. Consultant shall show the trip delta between **(E1)** and **(C1-C5)** on the maps and in the tables.

*Deliverables*

1. Updated **(C1-C5)** travel demand models reflecting current FORA land use plans
2. Scenarios **(C1-C5)** LOS, VMT, VHT, and CVMT Maps
3. Tabular summary data for Scenarios **(C1-C5)** including LOS, VMT, VHT, and CVMT
4. Difference plots showing delta between **(E1)** and **(C1-C5)**

**TASK 4: SCENARIO ANALYSIS**

1. Deliver a comparative analysis between **(C1-C5)**.
2. Prepare trigger analysis **(C1-C5)** based on assumed linear uniform growth (results will be approximate year based on an average annual growth).
3. Deliver a professional opinion on a future project list for each scenario **(C1-C5)**.
  - a. Identify pro's and con's
  - b. Identify potential trade-offs
4. Other qualitative considerations (environmental, constructability, funding potential, local support, other as appropriate)
  - a. Deliver a Final Powerpoint Presentation for FORA Staff use in Public Presentations.
    - i. Include maps and tables at a size easily readable in a PPT presentation
  - b. Evaluation of the **(C1-C5)** scenarios:
    - i. LOS
    - ii. Vehicle miles traveled (VMT)
    - iii. Vehicle hours traveled (VHT)
    - iv. Congested VMT
  - c. Technical memorandum detailing the findings and analysis of Tasks 1-3

*Deliverables*

1. Trigger analysis for Scenarios **(C1-C5)**
2. PowerPoint presentation
3. Draft Technical Memorandum
4. Final Technical Memorandum

**OPTIONAL ADDITIVE TASK A: ALTERNATIVE PROJECT LIST (not subject to project deadline)**

FORA in coordination with TAMC and a Technical Advisory Committee may develop a list of additional roadway segments for the Consultant to analyze. For each additional scenario provide:

- a. Difference plot between the new scenario and **(E1)**
- b. Tabular data for the new scenario including LOS, VMT, VHT, and CVMT Maps
- c. Professional opinion on a future project list for each scenario **(C1-C5)**, including:
  - i. pro's and con's
  - ii. Potential trade-offs
- d. Brief summary memo including overview and findings

## ESTIMATED COMPENSATION BUDGET

<b>Task</b>	<b>Description</b>	<b>Budget</b>
1	PROJECT MANAGEMENT AND MEETINGS	\$31,700
2	BASELINE ANALYSIS	\$26,900
3	PROJECTIONS AND EXISTING CONDITIONS COMPARISON	\$48,400
4	SCENARIO ANALYSIS	\$43,000
	<b>TOTAL</b>	<b>\$150,000</b>
	<b>OPTIONAL: ALTERNATIVE PROJECT LIST</b>	<b>\$13,400 PER ALTERNATIVE</b>

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEM

**Subject:** Building Removal Financing/Feasibility Update

**Meeting Date:** April 12, 2019

**Agenda Number:** 8c

**INFORMATION**

### RECOMMENDATION:

Receive a report on Regional Building Removal Financial Feasibility.

### BACKGROUND/DISCUSSION:

At its October 2018 Meeting, the Fort Ord Reuse Authority (“FORA”) Board asked staff to investigate the legality and feasibility of issuing debt against FORA’s statutory share of the Property Tax Revenue stream provided to FORA by the State Legislature as codified in the State of California Health and Safety Code. The same source gives authority to FORA to encumber the revenue stream necessary to pay back such debts as incurred to support repayment of amounts borrowed to pay off FORA’s debts and obligations. This becomes critical given that a significant portion of the property tax revenue stream will default back to other agencies but not accrue to the former FORA jurisdictions to the same level as before, a significant loss to the military base reuse and local resources. This desire to accomplish ‘more bang for the buck’ is at the crux of the Board decision to authorize further analysis by obtaining specialized financial expertise to answer basic questions about legality, and, if legal, devise a feasible Financial Plan for implementation should the Board subsequently authorize a decision to go forward.

This effort came from a City of Seaside City Manager request to the Administrative Committee that it explore the idea of FORA jurisdictions cooperating to remove as much of the remaining blighted buildings as possible in an effort to attain economic development targets of FORA jurisdictions and ending up with a financially resilient community in the long run. FORA staff designed a conceptual plan as to how to accomplish this by targeting its share of the property tax revenue stream and bringing in the financial expertise necessary to complete the remaining building removal, one of the remaining major impediments to reuse.

The other four FORA land use jurisdictions (Marina, County of Monterey, Del Rey Oaks, and Monterey) agreed that it made sense to explore this idea further, as did the Board. Subsequently, FORA staff prepared and issued the requisite Request for Qualifications (“RFQ”) solitation, selecting NHA Advisors.

FORA and NHA have negotiated a scope of work and contract. Phase 1 of the scope is to confirm that the financing would be legal under current state law and FORA’s statutory authority. Phase 2 is to prepare a Financial Plan for FORA Board review and approval. Phase 3 would be the Implementation phase, the actual financing itself, if that phase is authorized by the Board in the future. At its February 27, 2019 meeting, the Administrative Committee received a progress report on this project from FORA staff and met Principal Mark Northcross with NHA.

NHA completed its first milestone a legal and financial feasibility memorandum (**Attachment A**) regarding FORA’s statutory property tax authority. NHA’s preliminary finding is that FORA would be able to issue bonds in a range of \$31.6 to \$25.5 million. NHA’s work will continue to involve a number of working meetings with the FORA Administrative Committee and presentations to the FORA Board as they begin to work on a draft financial plan.

**FISCAL IMPACT:**

Reviewed by FORA Controller HF signing for Helen Rodriguez

Staff time to support the Administrative Committee is included in the approved annual budget. The Board's September 28, 2018 action resulted in an increase in consultant services by up to \$75,000, which will be incorporated into the FORA mid-year budget update.

**COORDINATION:**

NHA, County of Monterey, Cities of Seaside, Monterey, Del Rey Oaks, and Marina, Administrative Committee

Prepared by D. Steven Endsley Reviewed by Jonathan Brinkman  
Steve Endsley Jonathan Brinkman

Approved by Michael A. Houlemard, Jr.  
Michael A. Houlemard, Jr.

## FEASIBILITY MEMORANDUM

April 4, 2019

To: Jonathan Brinkmann, Principal Planner, Fort Ord Reuse Authority

From: Mark Northcross, Principal, NHA Advisors

RE: **FORA - Feasibility Memorandum for Remediation Bond Issuance**

### LEGAL AUTHORITY FOR FORA BOND ISSUANCE

The law firm of Stradling Yocca Carlson & Rauth, retained as counsel to NHA Advisors has concluded that Fort Ord Reuse Authority (“FORA”) has the authority to issue bonds with terms that extend beyond its June 30, 2020, dissolution, subject to the following conditions:

- ✓ Bonds must be issued under the authority of the Mark-Roos Act
- ✓ Tax increment revenues pledged to the bonds are subject to the limitation of the project areas from which the tax increment revenue originates

The Marks-Roos Act poses some special requirements on the issuance of FORA remediation bonds. For issuers that are not JPA’s, such as FORA, the Marks-Roos Act can be interpreted as requiring the local agencies where bond proceeds will be spent to hold a noticed public hearing and make a finding that the proposed financing will create a “significant public benefit” within the meaning of Government Code Section 6586.

Table 1 below shows the time limits on the ability of the originating project areas for FORA’s tax increment to use that tax increment to pay debt service. With the exception of the Marina Airport project area, we believe that tax increment from FORA project areas can be used to pay debt service through 2048.

**Table 1: FORA Component Redevelopment Project Area Plan Limits**

Project Area	Successor Agency	Year Project Area Formed	Final Year to Receive Tax Increment to Repay Debt
Marina Airport	City of Marina	1997	2045
Marina Project 3	City of Marina	1999	2048
Seaside Fort Ord	City of Seaside	2002	2048
Del Rey Oaks Fort Ord	City of Del Rey Oaks	2003	2048*
Fort Ord East Garrison	County of Monterey	2002	2048*

*\*We have not received Redevelopment Plans for these project areas to date, final year is estimated*



## PLEGGED REVENUES FOR DEBT SERVICE

Table 2 details actual tax increment received by FORA from the five source project areas for Fiscal Year (FY) 2018-19. FORA is expected to receive over \$2.6 million in tax increment revenues, as provided for in its authorizing statute, in FY 2018-19. The Marina 3 project area, the Seaside Fort Ord project area, and the County of Monterey East Garrison project comprise nearly all of the tax increment revenue.

**Table 2: Recognized Obligation Payment Schedule (ROPS)-Based Revenues for FORA (FYE 2018-19)**

Project Area	Marina Airport	Marina Project 3	Seaside Fort Ord	Del Rey Oaks Fort Ord	Fort Ord East Garrison	Total
ROPS A	\$14,437	\$334,699	\$347,983	\$3,317	\$226,640	<b>\$927,076</b>
ROPS B	\$21,707	\$678,582	\$520,457	\$4,820	\$475,337	<b>\$1,700,903</b>
<b>Total</b>	<b>\$36,144</b>	<b>\$1,013,281</b>	<b>\$868,440</b>	<b>\$8,137</b>	<b>\$701,977</b>	<b>\$2,627,979</b>
Revenues as % of Total	1.38%	38.56%	33.05%	0.31%	26.71%	<b>100.00%</b>

## CREDIT CONCERNS WITH FORA BOND ISSUE

The credit rating for a bond issue secured by tax increment is determined by three basic factors:

- ❖ Diversity and quality of tax base
- ❖ Coverage ratio given annual revenues and annual debt service
- ❖ Volatility, incremental assessed valuation as a per cent of total valuation.

FORA's credit quality is strongest in the volatility category, since assessed valuation was very small in each of the three main project areas at the time of project area formation. Coverage ratio is something that FORA itself can determine through how it sizes the proposed bond issue. The diversity and quality of the tax base then becomes the key credit concern for a FORA bond issue.

The biggest concern is concentration of taxpayers in a project area, indicating that a high percentage of the revenues to pay debt service come from a small number of taxpayers. Table 3 below shows concentration information available for two of the three main project areas. The Marina Project 3 project area has a very high concentration of taxpayers by standards of credit rating agencies, largely because of the great success of the "Dunes on Monterey Bay" shopping center in securing large retail anchors for the shopping center. Over 40% of tax increment revenue from this project area would be lost if the top three taxpayers simultaneously became delinquent in their property tax payments for a year or more. While this scenario is unlikely, it is the metric that bond investors use in evaluating credit. The concentration for the top 3 taxpayers in Seaside Fort Ord Project Area is below 15% and not a major concern.

We do not have information yet on the East Garrison project area. However, based on visual inspection, the project area appears to be primarily single family residential and should not be a credit concern.

**Table 3: Concentration of Taxpayer Sensitivity for FORA**

Project Area	FY for Most Recent Data	Incremental Assessed Valuation	Combined Assessed Valuation of Top 3 Taxpayers	Top 3 Taxpayers as % of Incremental Valuation
Marina Project 3	2017-18	322,398,824	130,213,459	40.4%
Seaside Fort Ord	2014-15	371,584,046	53,746,536	14.5%

Bond investors typically want to know how much money would be available to pay debt service in the event the largest taxpayers in a redevelopment project area all became delinquent. Table 4 below provides analysis of the total available tax increment revenues excluding revenue from the top three taxpayers in both the Marina Project 3 and Seaside Fort Ord project areas. If the top three taxpayers in both project areas became delinquent at the same time for one year or more, FORA tax increment revenues would decrease from about \$2.6 million per year to about \$2.1 million per year.

**Table 4: Maximum Annual Debt Service Excluding Revenue from Top 3 Taxpayers for Marina Project 3 and Seaside Fort Ord Project Area**

<b>% Loss from Top 3 Marina Project 3 Taxpayers</b>	40.4%
<b>Net Marina Project 3 Tax Increment Revenues</b>	\$604,028
<b>% Loss from Top 3 Seaside Fort Ord Taxpayers</b>	14.5%
<b>Net Seaside Fort Ord Tax Increment Revenues</b>	\$742,827
<b>Tax Increment Revenues from Other Project Areas</b>	\$746,258
<b>Total Adjusted Tax Increment Revenues</b>	<b>2,093,113</b>

**PROBABILITY OF TAXABLE INTEREST RATES**

The intended use of the proceeds of any FORA bond issue is for removal of buildings within the FORA jurisdiction. While the bulk of such buildings are now located on land owned by public entities, it is very likely that after removal of the buildings, such land will be sold to private entities for development. Under Federal tax law, **any bonds issued for remediation of land that is subsequently sold to private entities must be sold with taxable interest rates.** The intent to ultimately sell the land to private entities is the key determining factor regarding tax categorization of the bonds. To the extent that bond proceeds are used for building removal on land intended for long term public use, such as a roadway or a park, that portion of the bond issue can be sold with tax exempt interest rates. At present, taxable interest rates are between 1% and 1.5% higher than tax exempt interest rates.

**BONDING CAPACITY SCENARIOS**

As noted above, FORA can control the coverage ratio for its bond issue through a legal covenant made at the time of bond issuance. Table 5 below shows maximum annual debt service (“MADS”) for three different coverage ratios. All three scenarios take into consideration the FY 2018-19 tax increment revenues as shown on Table 2 and an estimated \$150,000 per year reduction on tax increment revenues as a result of the 2012 amendments to the Implementation Agreements. In addition, this analysis includes no explicit set aside of tax increment revenue for funding continued FORA operations.

**Table 5: Maximum Annual Debt Service Scenarios**

<b>FY 2018-19 Combined FORA Tax Increment</b>	\$2,627,979
<b>Estimated Implementation Plan Amendments set-aside</b>	\$150,000
<b>Net FY 2018-19 combined FORA Tax Increment</b>	\$2,477,979
<b>MADS at 1.10x coverage</b>	\$2,252,708
<b>MADS at 1.15x coverage</b>	\$2,154,764
<b>MADS at 1.25x coverage</b>	\$1,982,383

Table 5 shows that, depending on the coverage ratio (calculated as net revenues available for debt service divided by debt service), MADS for a FORA bond issuance ranges from \$1.98 million up to \$2.25 million per year. With respect to the credit concern about taxpayer concentration, the coverage ratio is the most



effective way of mitigating this risk. A higher coverage ratio places lower limits on debt service to account for the concentration risk. As can be seen, use of a 1.25x coverage ratio results in MADS of \$1.98 million, which is lower than the \$2.1 million per year figure that would result if the top three taxpayers in both Marina Project 3 and Seaside Fort Ord projects areas became delinquent.

As single-family residential development takes place in these two project areas, taxpayer concentration will decline. In addition, a baseline 2% annual growth in assessed valuation will increase the amount of potential tax increment revenues that are “immune” to a loss of major taxpayers. **Consequently, we believe that the 1.15x coverage ratio, resulting in maximum annual debt service of \$2.15 million per year, is a reasonable assumption.** Should FORA issue bonds in FYE 2020, an optimal case scenario would be for the preliminary estimates for FY 2019-2020 to show that \$2.15 million annual debt service figure is sustainable for a 1.15x coverage ratio.

Table 6 below shows bonding capacity for FORA under three different scenarios. As noted above, we believe that Scenario 2 is moderately conservative and a reasonable assumption at this point in our analysis. All three scenarios assume final maturity of the bonds in September 1, 2047 (FYE 2048). The September 1, 2047 final maturity date in all scenarios is a conservative assumption. In theory, a September 1, 2048 final maturity date could be used, but the 2047 date gives one more year to receive tax increment to address in shortfalls or delinquencies in prior years. The scenarios are summarized below:

1. **Scenario 1 – Most Optimistic:** Assumes a coverage ratio of 1.1x, and an interest rate of 4.75% assuming current market rates, with about 80% of the bond issue sold on a taxable basis, and 20% sold on a tax-exempt basis. Net bond proceeds available for project funding are \$31.6 million.
2. **Scenario 2 – Moderately Conservative:** Assumes 1.15x coverage ratio and an interest rate of 5.0% assuming 100% of the bonds are sold on a taxable basis at current market rates. Net bond proceeds available for project funding total \$29.5 million.
3. **Scenario 3 – Conservative:** Assumes 1.25x coverage ratio and an interest rate of 5.5%. All bonds are assumed to be sold on a taxable basis at an interest rate 0.5% over current market. Net bond proceeds available for project funding total \$25.5 million.

**Table 6: Bonding Capacity by Scenario**

Scenario	Coverage Ratio	Estimated Interest Rate	Tax Status	Likely Rating	Net Bond Proceeds for Projects
<b>1 - Most Optimistic</b>	1.1x	4.75%	Blend of Taxable and Tax Exempt	BBB	<b>\$31,620,000</b>
<b>2 - Moderately Conservative</b>	1.15x	5.00%	Fully Taxable (Current Market)	BBB	<b>\$29,463,000</b>
<b>3 - Conservative</b>	1.25x	5.50%	Fully Taxable (Current Market + 0.5%)	BBB/A-	<b>\$25,455,000</b>

*All scenarios assume 9/1/2047 final principal payment*

A conservative assumption in the analysis above is that bond insurance will not be available for the FORA bond issue.

Table 7 below allocates bond proceeds based on each project area’s share of the total FORA tax increment (TI) revenue. Under this assumption, Marina would receive between \$10 and \$12.5 million in net bond proceeds, Seaside would receive between \$8.4 and \$10.4 million in net proceeds, Monterey County would receive between \$6.8 and \$8.4 million in net proceeds, and Del Rey Oaks would receive less than \$100,000 in all three scenarios.

**Table 7: Allocation of Net Proceeds for Projects Based on Source of Tax Increment**

Scenario	Marina Airport	Marina Project 3	Seaside Fort Ord	Del Rey Oaks Fort Ord	Fort Ord East Garrison	Total
<b>1 - Most Optimistic</b>	\$434,887	\$12,191,857	\$10,449,122	\$97,905	\$8,446,229	<b>\$31,620,000</b>
<b>2 - Moderately Conservative</b>	\$405,220	\$11,360,174	\$9,736,321	\$91,226	\$7,870,058	<b>\$29,463,000</b>
<b>3 - Conservative</b>	\$350,096	\$9,814,792	\$8,411,841	\$78,816	\$6,799,455	<b>\$25,455,000</b>

Based on our analysis, the proceeds in Table 7 above represents funding that would not be available to the cities of Marina, Seaside, Del Rey Oaks, and Monterey County if FORA dissolved without issuing bonds. After dissolution of redevelopment agencies, it is very uncommon that a successor agency has the ability to issue new debt. Based on our analysis, none of the successor agencies for FORA jurisdictions can issue debt secured by FORA’s tax increment revenue stream. Upon dissolution, the FORA tax increment revenue stream becomes subject to residual allocation under the redevelopment dissolution statute. Consequently, funding from a potential FORA bond issue is very likely an irreplaceable opportunity.

**SUMMARY OF KEY ASSUMPTIONS AND TAKE-AWAYS**

In conclusion, **we believe that FORA has very significant bonding capacity, capacity that is lost to FORA member jurisdictions if the bonds are not issued prior to FORA dissolution.** The biggest constraint on the ability of FORA to issue bonds, however, is not the credit concerns outlined in this memo, but the current reliance of FORA on tax increment revenue to fund operations. Should FORA receive legislative authority to extend its sunset, it appears likely that an allocation of a portion of tax increment to fund operations would be necessary and will need to be included in future bonding scenarios.

Key Assumptions of Our Analysis	Conclusions, Takeaways, and Next Steps
Financing will Require Taxable Bond Issue	•Remediation/infrastructure on property for long-term public ownership can be financed with tax-exempt status, reducing borrowing costs
9/1/2047 Final Maturity for Bonds	•If East Garrison can receive tax increment for a longer period, bonding capacity increases
Rating Agencies Require Coverage Ratio that Mitigates Concentration Risk	•If concentration risk in Marina Project 3 Project Area decreases in FYE 2020 estimates, bonding capacity increases
No Bond Insurance for the Financing	•If bond insurance is available, approximately \$2M in extra funding would be available
Maximizes Revenue Capacity, Adjusting for Credit Concerns	•Future analysis needs to include explicit set aside for future operating revenue in the event of FORA extension
Proceeds Allocated Based on Project Areas’ Portion of Total TI Revenue	•Marina, Seaside, and Monterey County get significant funding for projects that would not otherwise be available

NHA Advisors, LLC is registered as a Municipal Advisor with the SEC and Municipal Securities Rulemaking Board (“MSRB”). As such, NHA Advisors, LLC has a Fiduciary duty to the public agency and must provide both a Duty of Care and a Duty of Loyalty that entails the following.

*Duty of Care*

- a) exercise due care in performing its municipal advisory activities;
- b) possess the degree of knowledge and expertise needed to provide the public agency with informed advice;
- c) make a reasonable inquiry as to the facts that are relevant to the public agency’s determination as to whether to proceed with a course of action or that form the basis for any advice provided to the public agency; and
- d) undertake a reasonable investigation to determine that NHA Advisors, LLC is not forming any recommendation on materially inaccurate or incomplete information; NHA Advisors, LLC must have a reasonable basis for:
  - i. any advice provided to or on behalf of the public agency;
  - ii. any representations made in a certificate that it signs that will be reasonably foreseeably relied upon by the public agency, any other party involved in the municipal securities transaction or municipal financial product, or investors in the public agency securities; and
  - iii. any information provided to the public agency or other parties involved in the municipal securities transaction in connection with the preparation of an official statement.

*Duty of Loyalty*

NHA Advisors, LLC must deal honestly and with the utmost good faith with the public agency and act in the public agency’s best interests without regard to the financial or other interests of NHA Advisors, LLC. NHA Advisors, LLC will eliminate or provide full and fair disclosure (included herein) to Issuer about each material conflict of interest (as applicable). NHA Advisors, LLC will not engage in municipal advisory activities with the public agency as a municipal entity, if it cannot manage or mitigate its conflicts in a manner that will permit it to act in the public agency’s best interests.

# FORT ORD REUSE AUTHORITY BOARD REPORT

## BUSINESS ITEM

<b>Subject:</b>	Consistency Determination: City of Marina Veterans Transition Center Permanent Supportive Housing at 229-239 Hayes Circle, Marina	
<b>Meeting Date:</b>	April 12, 2019	<b>INFORMATION/ACTION</b>
<b>Agenda Number:</b>	8d	

### **RECOMMENDATION:**

- i. Conduct a public hearing regarding City of Marina's (Marina's) General Plan amendment and Veterans Transition Center Permanent Supportive Housing development entitlements at 229-239 Hayes Circle, Marina and its consistency with the Base Reuse Plan (Reuse Plan).
- ii. Adopt Resolution 19-XX (**Attachment A**), certifying that Marina's General Plan amendment and Veterans Transition Center Permanent Supportive Housing development entitlements at 229-239 Hayes Circle in Marina are consistent with the Reuse Plan.

### **BACKGROUND:**

Marina submitted the VTC Permanent Supportive Housing project for consistency determination on March 1, 2019. The complete set of documents included the VTC Permanent Supportive Housing development entitlements consisting of a conditional use permit for residential density over 25 units per acre, site and architectural design review for the site plan, elevations, and landscape plan for a new three-story seventy-one (71) unit multi-family residential apartment complex, tree removal permit for the removal of nine (9) trees, a general plan land use map amendment to change the designation of ±2.4 acres from single family residential to multi-family residential, and the corresponding Initial Study/Mitigated Negative Declaration. FORA has placed these documents on its website. The links are as follows:

- Marina VTC consistency determination submission;  
<https://fora.org/Board/2019/ConsistencyDetermination/MarinaVTC/ConsistencyDetermination.pdf>
- Marina VTC Permanent Supportive Housing Project Plan;  
<https://fora.org/Board/2019/ConsistencyDetermination/MarinaVTC/Plan.pdf>
- Marina VTC Permanent Supportive Housing Project Initial Study/Mitigated Negative Declaration;  
<https://fora.org/Board/2019/ConsistencyDetermination/MarinaVTC/IS-MND.pdf>
- Marina VTC Permanent Supportive Housing Project Initial Study/Mitigated Negative Declaration Appendices;  
<https://fora.org/Board/2019/ConsistencyDetermination/MarinaVTC/IS-MNDAppx.pdf>

This item is on the Board agenda because Marina's consistency determination request amends the Marina General Plan, which is a Legislative Land Use Decision requiring Board certification. Marina's consistency determination request also included development entitlements as listed in the previous paragraph, requiring the Executive Officer to make a consistency determination with the Reuse Plan, which can be appealed to the Fort Ord Reuse Authority (FORA) Board. To streamline processing, the Board's resolution (**Attachment A**) combines both Legislative Land Use Decision and Development Entitlement consistency determination findings. With its submittal, Marina requested a Legislative Land Use Decision review of the VTC Permanent Supportive Housing project in accordance with section 8.02.010 of the FORA Master Resolution. Under state law, (as codified in FORA's Master Resolution) Legislative Land Use Decisions (plan level documents such as General Plans, Zoning Codes, General Plans, Redevelopment Plans, etc.) must be scheduled for FORA Board review for consideration of certification under strict timeframes. The FORA

Administrative Committee reviewed this item on April 3, 2019 and voted unanimously to recommend the Board certify it as consistent. This public hearing of the FORA consistency determination was noticed appropriately on April 2 through April 4, 2019 in the Monterey Herald.

## **DISCUSSION:**

Marina staff will be available to provide additional information to the FORA Board on April 12, 2019. In all consistency determinations, the following additional considerations are made:

### *Rationale for consistency determinations.*

FORA staff finds that there are several defensible rationales for making an affirmative consistency determination. In general, it is noted that the Reuse Plan is a framework for development, not a precise plan to be mirrored. However, there are thresholds set in the resource constrained Reuse Plan that may not be exceeded without other actions, most notably 6,160 new residential housing units and a finite water allocation. More particularly, the rationales for consistency analyzed are:

### LEGISLATIVE LAND USE DECISION CONSISTENCY FROM SECTIONS 8.02.010 AND 8.02.020 OF THE FORA MASTER RESOLUTION

(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board shall disapprove any legislative land use decision for which there is substantial evidence supported by the record, that:

(1) Provides a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory. The VTC Permanent Supportive Housing plan establishes a land use designation that is not more intense than the uses permitted in the Reuse Plan because it continues to be residential housing.

(2) Provides for a development more dense than the density of uses permitted in the Reuse Plan for the affected territory. The VTC Permanent Supportive Housing plan establishes a land use designation that is more dense than the uses permitted in the Reuse Plan since it increases the density of the parcel from 25 units or less to 35 units per acre. This action is justified in the reports to Marina City Council with a Conditional Use Permit. Explanation of the conditions of the project are that it is consistent with the goals of the Marina General Plan, which was previously found consistent with the Reuse Plan, such as Goal 1.7, to “provide a high quality of life for all its residents,” Goal 1.81.1, “diversified and integrated housing supply,” and Policy 2.31.6, “New housing shall be constructed at densities and in patterns which conserve land, reduce reliance on the private automobile and result in walkable, attractive neighborhoods.”

(3) Is not in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution. VTC Permanent Supportive Housing is in substantial conformance with applicable programs.

(4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority. VTC Permanent Supportive Housing is compatible with open space, recreational, and habitat management areas.

(5) Does not require or otherwise provide for the financing and/or installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the legislative land use decision. VTC Permanent Supportive Housing will pay its fair share of the basewide costs through the FORA Community Facilities District special tax and property taxes that will accrue to FORA.



(6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan. The Fort Ord Habitat Management Plan (HMP) designates certain parcels for "Development," in order to allow economic recovery through development while promoting preservation, enhancement, and restoration of special status plant and animal species in designated habitats. VTC Permanent Supportive Housing only affects lands that are located within areas designated for "Development" under the HMP. Lands designated as "Development" have no management restrictions placed upon them as a result of the HMP. Therefore, VTC Permanent Supportive Housing would not conflict with implementation of the Fort Ord HMP.

Additional Considerations

(7) Is not consistent with the Highway 1 Design Corridor Design Guidelines as such guidelines may be developed and approved by the Authority Board. The VTC Permanent Supportive Housing plan would not modify Highway 1 Design Corridor Design Guidelines. Marina staff submitted a RUDG checklist, and completed the Highway 1 Design Corridor Design Guidelines section to show that the project is in conformance with the height restrictions, signage restrictions, and other objectives of the guidelines.

(8) Is not consistent with the jobs/housing balance requirements developed and approved by the Authority Board as provided in Section 8.02.020(t) of the Master Resolution. The VTC Permanent Supportive Housing plan adds low-income apartments for an at-risk population of mostly Marina residents who might otherwise not have the opportunity to find suitable rental housing. This housing project is connected to the VTC programs and many of the residents are expected to attend classes at California State University at Monterey Bay. Eventually, residents will be more eligible for local jobs. This transitional program and the housing that accommodates it is consistent with the jobs/housing balance approved by the FORA Board.

(9) Is not consistent with FORA's prevailing wage policy, section 3.03.090 of the FORA Master Resolution. Marina's VTC Permanent Supportive Housing project does not modify prevailing wage requirements for future development entitlements within Marina's former Fort Ord jurisdiction. Marina has made the project developers aware of the prevailing wage policy.

**FISCAL IMPACT:**

Reviewed by FORA Controller HF signing for Helen Rodriguez

This action is regulatory in nature and should have no direct fiscal, administrative, or operational impact. VTC Permanent Supportive Housing is covered by the Community Facilities District that ensures a fair share payment of appropriate future special taxes/fees to mitigate for impacts delineated in the 1997 Reuse Plan and accompanying Final Environmental Impact Report. Staff time for this item is included in the approved annual budget.

**COORDINATION:**

Marina, Authority Counsel, Planners Working Group, Administrative and Executive Committees.

Prepared by Mary Israel  
Mary Israel

Reviewed by Jonathan Brinkmann  
Jonathan Brinkmann

Approved by Michael A. Houlemard, Jr.  
Michael A. Houlemard, Jr.

## RESOLUTION NO. 19-xx

### **A RESOLUTION OF THE GOVERNING BODY OF THE FORT ORD REUSE AUTHORITY *Certifying the City of Marina Veterans Transition Center General Plan Map Amendment and Permanent Supportive Housing at 229-239 Hayes Circle in Marina Development Entitlement***

THIS RESOLUTION is adopted with reference to the following facts and circumstances:

- A. On June 13, 1997, the Fort Ord Reuse Authority ("FORA") adopted the Final Base Reuse Plan under Government Code Section 67675, et seq.
- B. After FORA adopted the reuse plan, Government Code Section 67675, et seq. requires each county or city within the former Fort Ord to submit to FORA its general plan or amended general plan and zoning ordinances, and to submit project entitlements, and legislative land use decisions that satisfy the statutory requirements.
- C. By Resolution No. 98-1, the Authority Board of FORA adopted policies and procedures implementing the requirements in Government Code 67675, et seq.
- D. The City of Marina ("Marina") is a member of FORA. Marina has land use authority over land situated within the former Fort Ord and subject to FORA's jurisdiction.
- E. After noticed public meetings on October 25, 2018 and November 20, 2018, Marina adopted a General Plan Map Amendment (GP 2016-01) to reclassify the property land use designation from "Single Family" to "Multiple Family Residential" for the property located on a ±2.4 acre project site at 229-239 Hayes Circle (APN 031-021-040), affecting lands on the former Fort Ord. Marina also authorized development entitlements concerning a proposed Veterans Transition Center Permanent Supportive Housing project at 229-239 Hayes Circle in Marina ("VTC Permanent Supportive Housing"). Marina adopted a Mitigated Negative Declaration on the VTC Permanent Supportive Housing project, and adopted a resolution to grant a Combined Development Permit consisting of a Conditional Use Permit (UP 2016-02) for the multiple-family residential development to exceed 25 units per acre, Site and Architectural Design Review (DR 2016-05) for the site plan, elevations and landscape plan for a new three-story seventy-one unit multi-family residential apartment complex, and a Tree Removal Permit (TP 2016-02) to allow nine trees to be removed on the project site at 229-239 Hayes Circle (APN: 031-021-040).
- F. Marina found the VTC Permanent Supportive Housing is consistent with the Fort Ord Base Reuse Plan, FORA's plans and policies and the FORA Act and considered the Fort Ord Base Reuse Plan Final Environmental Impact Report ("FEIR") in their review and deliberations on February 5, 2019.
- G. Consistent with the Implementation Agreements between FORA and Marina, on March 1, 2019 Marina provided FORA with a complete copy of the submittal for lands on the former Fort Ord, the resolutions and/or ordinance approving it, a staff report and materials relating to Marina's action, the project's Initial Study/Mitigated Negative Declaration and Appendices, and findings and evidence supporting its determination that the VTC Permanent Supportive Housing is consistent with the Fort Ord Base Reuse Plan and the FORA Act (collectively, "Supporting Material"). Marina requested that FORA certify the

VTC Permanent Supportive Housing project as being consistent with the Fort Ord Base Reuse Plan since the project lies entirely within FORA's jurisdiction.

- H. On March 1, 2019, Marina requested that FORA certify Marina's VTC Permanent Supportive Housing as consistent with FORA's Final Base Reuse Plan, certified by the Board on June 13, 1997. Marina submitted to FORA the VTC Permanent Supportive Housing plan together with the Supporting Material.
- I. FORA's Executive Officer and the FORA Administrative Committee reviewed Marina's determination of consistency evaluation. The Executive Officer submitted a report recommending that the FORA Board find that the VTC Permanent Supportive Housing project is consistent with the Fort Ord Base Reuse Plan. The Administrative Committee reviewed the Supporting Material, received additional information, and concurred with the Executive Officer's recommendation. The Executive Officer set the matter for public hearing regarding consistency of the VTC Permanent Supportive Housing project before the FORA Board on April 12, 2019.
- J. Master Resolution, Chapter 8, Section 8.01.020(e) reads in part: "(e) In the event the Authority Board refuses to certify the legislative land use decision in whole or in part, the Authority Board's resolution making findings shall include suggested modifications which, if adopted and transmitted to the Authority Board by the affected land use agency, will allow the legislative land use decision to be certified. If such modifications are adopted by the affected land use agency as suggested, and the Executive Officer confirms such modifications have been made, the legislative land use decision shall be deemed certified."
- K. FORA's review, evaluation, and determination of consistency is based on six criteria identified in section 8.02.010. Evaluation of these six criteria form a basis for the Board's decision to certify or to refuse to certify the legislative land use decision.
- L. The term "consistency" is defined in the General Plan Guidelines adopted by the State Office of Planning and Research as follows: "An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." This includes compliance with required procedures such as section 8.02.010 of the FORA Master Resolution.
- M. Master Resolution, Chapter 8, Section 8.02.010(a)(1-6) reads as follows: "(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board shall disapprove any legislative land use decision for which there is substantial evidence supported by the record, that (1) Provides a land use designation that allows more intense land uses than the uses permitted in the Reuse Plan for the affected territory; (2) Provides for a development more dense than the density of use permitted in the Reuse Plan for the affected territory; (3) Is not in substantial conformance with applicable programs specified in the Reuse Plan and Section 8.02.020 of this Master Resolution. (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority; (5) Does not require or otherwise provide for the financing and/or installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the legislative land use



decision; and (6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan."

- N. Master Resolution, Chapter 8, Section 8.02.030(a)(1-8) reads: "(a) In the review, evaluation, and determination of consistency regarding any development entitlement presented to the Authority Board pursuant to Section 8.01.030 of this Resolution, the Authority Board shall withhold a finding of consistency for any development entitlement that: (1) Provides an intensity of land use which is more intense than that provided for in the applicable legislative land use decisions, which the Authority Board has found consistent with the Reuse Plan; (2) Is more dense than the density of development permitted in the applicable legislative land use decisions which the Authority Board has found consistent with the Reuse Plan; (3) Is not conditioned upon providing, performing, funding, or making an agreement guaranteeing the provision, performance, or funding of all programs applicable to the development entitlement as specified in the Reuse Plan and in Section 8.02.020 of this Master Resolution and consistent with local determinations made pursuant to Section 8.02.040 of this Resolution. (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property or which conflict or are incompatible with open space, recreational, or habitat management areas within the jurisdiction of the Authority. (5) Does not require or otherwise provide for the financing and installation, construction, and maintenance of all infrastructure necessary to provide adequate public services to the property covered by the applicable legislative land use decision. (6) Does not require or otherwise provide for implementation of the Fort Ord Habitat Management Plan. (7) Is not consistent with the Highway 1 Scenic Corridor design standards as such standards may be developed and approved by the Authority Board. (8) Is not consistent with the jobs/housing balance requirements developed and approved by the Authority Board as provided in Section 8.02.020(t) of this Master Resolution."

NOW THEREFORE the FORA Board hereby resolves that:

1. The FORA Board acknowledges Marina's recommendations and actions of March 1, 2019 requesting that the FORA Board certify that the VTC Permanent Supportive Housing project and the Reuse Plan are consistent.
2. The FORA Board has reviewed, considered, and finds the Fort Ord Base Reuse Plan Final Environmental Impact Report and Marina's environmental documentation is adequate and complies with the California Environmental Quality Act, and finds that these documents provide substantial additional information for purposes of FORA's determination that the VTC Permanent Supportive Housing project and the Reuse Plan are consistent.
3. The FORA Board has considered all the materials submitted with this application for a consistency determination, the recommendations of the Executive Officer and the Administrative Committee, and the oral and written testimony presented at the hearings, all of which are hereby incorporated by reference.
4. The FORA Board certifies that the VTC Permanent Supportive Housing project is consistent with the Reuse Plan. The FORA Board further finds that Marina's legislative land use decision and development entitlements are based in part upon the substantial evidence submitted.

5. The FORA Board also finds that the documents submitted by Marina demonstrate consistency with the Reuse Plan's emphasis on a resource constrained sustainable reuse and a balance between jobs created and housing. The Marina application generally conforms to the Reuse Plan's overall land uses, policies, and programs.
6. Marina's VTC Permanent Supportive Housing project will, considering all its aspects, further the objectives and policies of the Reuse Plan. The Marina application is hereby determined to satisfy the requirements of Title 7.85 of the Government Code and the Reuse Plan.

Upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was passed on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSTENTIONS:  
ABSENT:

\_\_\_\_\_  
Jane Parker, Chair

ATTEST:

\_\_\_\_\_  
Michael A. Houlemard, Jr.  
Clerk