



FORT ORD REUSE AUTHORITY

REGULAR MEETING

FORT ORD REUSE AUTHORITY (FORA) LEGISLATIVE COMMITTEE

920 2nd Avenue, Suite A, Marina CA 93933 (Executive Officer's Conference Room)

Thursday, September 28, 2017 at 3:30 p.m.

AGENDA

1. CALL TO ORDER/ESTABLISHMENT OF QUORUM
2. PLEDGE OF ALLEGIANCE
3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE
4. PUBLIC COMMENT PERIOD

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

5. APPROVAL OF MEETING MINUTES ACTION
 - a. April 20, 2017 Meeting Minutes
6. REPORTS FROM LEGISLATIVE OFFICES INFORMATION
 - a. 20th U.S. Congressional District – Kathleen Lee
 - b. 17th State Senate District – Nicole Charles
 - c. 29th State Assembly District – Erica Parker
7. BUSINESS ITEMS
 - a. FORA Transition Task Force Recommendation INFORMATION/ACTION
 - b. Review 2018 Annual Fort Ord Reuse Authority Legislative Agenda INFORMATION
 - c. Report on 2017 Positions on State Legislation INFORMATION
8. ITEMS FROM MEMBERS
9. ADJOURNMENT

NEXT MEETING: TBD

For information regarding items on this agenda or to request disability related modifications and/or accommodations please contact the FORA office at (831) 883-3672, forty-eight (48) hours prior to the meeting. Agendas are available on the FORA website at www.fora.org.



FORT ORD REUSE AUTHORITY (FORA)

LEGISLATIVE COMMITTEE MEETING MINUTES

2:00 p.m., Thursday, April 20, 2017
920 2nd Avenue, Suite A, Marina CA 93933

1. CALL TO ORDER

Chair John Phillips called the meeting to order at 2:00 p.m.

Voting Members Present:

Supervisor John Phillips (Chair)
Mayor Jerry Edelen (City of Del Rey Oaks)
Council member Frank O'Connell (City of Marina)
Mayor Ralph Rubio (City of Seaside)

2. PLEDGE OF ALLEGIANCE

Pledge of allegiance was led by Chair Phillips.

3. ACKNOWLEDGMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Executive Officer Michael Houlemard advised the Committee that 20th Congressional District Director Kathleen Lee would be not be present at the meeting but provided written correspondence providing a legislative update for the 115th Congress (**Attachment A**).

4. PUBLIC COMMENT PERIOD

There were no verbal comments received from the public.

5. APPROVAL OF MEETING MINUTES

a. October 31, 2016 Legislative Committee Minutes

***MOTION:** On motion by Committee member O'Connell and second by Committee member Rubio and carried by the following vote, the Legislative Committee moved to approve the regular meeting minutes for October 31, 2016.*

MOTION PASSED UNANIMOUSLY

6. REPORTS FROM LEGISLATIVE OFFICES

a. 20th U.S. Congressional District – Kathleen Lee
Written correspondence from the 20th U.S. Congressional District was provided to the Committee (Previously identified as Attachment A).

b. 17th State Senate District – Nicole Charles
Ms. Charles provided a verbal report and written correspondence from the 17th State Senate District was provided (**Attachment B**).

c. 29th State Assembly District – Erica Parker

Ms. Parker provided a verbal report and provided a review on the Assembly Member Stone's 2017-18 legislative bill package which primarily focuses on coastal bills, foster youth and public safety bills. A priority topic for FORA that the Assembly Member has co-sponsored is an affordable housing effort by Senator Aitkens.

7. BUSINESS ITEMS

a. Review 2017 Annual Fort Ord Reuse Authority Legislative Agenda

Mr. Houlemard reviewed the contents of the 2017 legislative agenda and provided an update on the collaborations and coordination that have taken place in regards to FORA's legislative programs and tasks. The review of the legislative agenda was accepted by the Committee.

b. Report on Proposed Positions on State Legislation

Mr. Houlemard reviewed the items which was result of collaboration between FORA staff and consultant, John Arriaga of JEA & Associates. Each of the proposed positions on State Legislation was reviewed and updates were provided by Erica Arriaga of JEA & Associates. Recent information regarding the Budget Trailer Bill was also provided and Sheri Damon, Prevailing Wage Coordinator provided a written synopsis of the changes in the state labor code to the Committee (**Attachment C**) and a copy of Section 1725.5 of the California Labor Code (**Attachment D**). Comments were received on the item.

MOTION: On motion by Committee member Rubio and second by Committee member O'Connell and carried by the following vote, the Legislative Committee moved to approve the proposed positions on State Legislation.

MOTION PASSED UNANIMOUSLY

c. 2017 Federal and State Legislative Missions

This item was postponed until the next scheduled Legislative Committee meeting.

d. FORA 2017 Legislative Session

Mr. Houlemard proposed the FORA legislative session be held at the May or June Board meeting pending the availability of the legislative offices. There was no action taken on this item.

e. FORA Transition Legislative Update

Mr. Houlemard provided information regarding the transition legislative update and set the expectation for the Committee to consider the item in the fall of 2017. There was no action taken on this item.

8. ITEMS FROM MEMBERS

There were no items from members.

9. ADJOURNMENT

The meeting was adjourned at 2:38 p.m.

Legislative Update – 115th Congress

Dear Members of the Committee:

Since the 115th Congress began in January, 3,926 bills have been introduced of which 25 became law. The majority of these bills are designation bills, which rename federal facilities. Congressman Panetta currently serves on the Agriculture and Natural Resources Committees. Three bills have come out of the Natural Resources Committee that became law. House Joint Resolutions 38, 44, and 69. All three of these bills are “Congressional Disapproval” bills which state that the Congress disapproves of certain actions taken by the executive branch of the government, but these resolutions have no force or effect.

Congressman Panetta has sponsored one bill titled H.R. 1913, or the Clear Creek National Recreation Area and Conservation Act. Representatives Valado, Denham and Cook, all California Republicans, cosponsored this bill. This bill would establish a National Recreation Area in San Benito and Fresno Counties, which would protect Clear Creek for the purposes of recreation.

Congressman Panetta has cosponsored 45 pieces of legislation. Some notable ones are, H.R. 169, the West Coast Ocean Protection Act, which would increase protections on the Pacific Ocean. H.R. 60, the ENLIST Act, which would authorize the enlistment of DREAM Act individuals living in the United States. H.R. 496, the BRIDGE Act a bipartisan bill with a goal towards reforming our immigration system. H.R. 512, the WINGMAN Act, which would allow a designated Congressional employee to have access to VA systems to help our veterans.

I apologize for being unable to make the meeting today as I had preexisting engagements. If you have any questions please feel free to reach out to me at anthony.musa@mail.house.gov or reach out to our District Director Kathleen Lee at kathleen.lee@mail.house.gov.

Sincerely,

Anthony Musa

Office of Congressman Jimmy Panetta (CA-20)

COMMITTEES
CHAIR: LEGISLATIVE ETHICS
BUDGET & FISCAL REVIEW
BUDGET SUBCOMMITTEE 3
ON HEALTH & HUMAN SERVICES
HEALTH
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NATURAL RESOURCES & WATER
PUBLIC SAFETY

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California State Senate



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MAJORITY LEADER
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SAN LUIS OBISPO, CA 93401
(805) 549-3784

SANTA CRUZ DISTRICT OFFICE
701 OCEAN STREET, SUITE 318-A
SANTA CRUZ, CA 95060
(831) 425-0401

SANTA CLARA COUNTY
TELEPHONE NUMBER
(408) 847-6101

Senator Monning's 2017-18 Legislative Bill Package

Health Legislation

Senate Bill (SB) 227 - Authorizes Licensed Vocational Nurses to perform specified feeding tube services for Amyotrophic Lateral Sclerosis (ALS) patients and other individuals with neurodegenerative conditions in the home setting.

(Status: Senate Committee on Business, Professions and Economic Development)

SB 241 - Changes state law to specify that patients have the right to receive an electronic copy of their medical record, if the health care provider maintains it electronically, and to receive a copy of their medical record in the form and format of choice, if the health care provider can readily produce the record. The bill would also eliminate the ability of providers to collect a retrieval fee for medical records, in accordance with federal law, and align state privacy laws for mental health patients with federal law by permitting the disclosure of patient information from providers to business associates or health care operations in accordance with the federal "minimum necessary" standard.

(Status: Senate Committee on Judiciary)

SB 300 - Requires a health-warning label be placed on sugar-sweetened beverages sold in California that contain added sweeteners and 75 calories or more per 12 ounces. The warning label will inform consumers about the risks that link sugary drink consumption to obesity, type 2 diabetes, and tooth decay.

(Status: Senate Committee on Health)

SB 398 - Deletes the July 1, 2019 sunset date for the Traumatic Brain Injury (TBI) program and makes it a permanent state program.

(Status: Senate Committee on Appropriations)

SB 449 - Requires eight hours of classroom training for Certified Nurse Aides (CNAs) to be dedicated to addressing the special needs of those with Alzheimer's and related dementias. Of the current 60 classroom hours of training for CNAs, 50 hours are prescribed in regulation by the California Department of Public Health. There are 10 training hours that are not specified. This bill would require eight of the 10 unspecified classroom hours to focus on dementia training.

(Status: Senate Committee on Appropriations)

Transportation Legislation

SB 158 - Implements a federal rule that requires those seeking a commercial driver's license (CDL) complete a certified course of instruction from a commercial driving institution or a program offered by an employer before being issued a CDL. The Department of Motor Vehicles would be required to adopt regulations to comply with the federal rule by February 7, 2020. In addition, SB 158 would establish minimum behind-the-wheel training be completed as part of the required training.

(Status: Senate Committee on Appropriations)

Environmental Legislation

SB 377 - Aligns California law with the US Environmental Protection Agency's Renovation Repair and Painting rule by establishing a state certification process for contractors to work on renovation, repair, and painting projects that are likely to contain lead paint. Fourteen other states have already successfully aligned state and federal lead laws.

(Status: Senate Committee on Appropriations)

Senate Concurrent Resolution (SCR) 23 - Designates the Spring Equinox of every year as California Wildlife Day to help to educate the public about the importance of protecting and nurturing the state's wildlife, as well as to increase the public's awareness to protect, restore and care for our natural resources. In 2017, the Spring Equinox will be observed on March 20th.

(Status: Resolution Chapter 16, Statutes of 2017)

Worker-Related Legislation

SB 295 - Authorizes the state Labor Commissioner to cite Farm Labor Contractors (FLCs) when there is a finding that no or inadequate sexual harassment prevention training has occurred; when no records of training have been provided; when falsified training records are given to farm workers; and/or when there is failure to train workers in a language they understand. The measure would also require FLCs to annually disclose to the Labor Commissioner the training materials being used and report the total number of farm workers who have been trained in the previous calendar year.

(Status: Senate Committee on Appropriations)

SB 632 - Enacts a general presumptive time limit of one day, seven hours for depositions of dying asbestos deponents, similar to federal law. A licensed physician would be required to attest that the deponent is over 70 years of age and his/her health is such that a deposition of more than seven hours will prejudice the deponent's interest in the litigation or, without regard to the age of the deponent, the deponent suffers from an illness or condition that raises substantial medical doubt of the survival of the deponent beyond six months.

(Status: Senate Committee on Judiciary)

Underground Economy

SB 486 - Allows the Contractors State License Board (CSLB) to establish an intermediary level of discipline to address less egregious violations of the law and to direct funds that are saved to increased enforcement efforts. The CSLB would utilize this new authority to address violations that do not involve financial injury or an order of correction for consumers, such as advertising violations.

(Status: Senate Committee on Appropriations)

Insurance Legislation

SB 261 - Authorizes the electronic submission of specified reports, and establishes standards and procedures for reports that are required by the Insurance Code to be submitted to legislative committees.

(Status: Senate Committee on Insurance)

SB 569 - Requires the Insurance Commissioner, in the event of a disaster declaration by the President or the Governor and at the request of an insured or the insured's legal representative that is unable to identify the insurer for a property located in the disaster area, to provide the insured's name and property location information to insurers who issue homeowners' insurance policies in the state. Insurers would have 30 days to respond and have to indicate whether the property is covered by a homeowners' insurance policy. That information would then be provided by the California Department of Insurance to the insured or the insured's legal representative within 14 days after receipt.

(Status: Senate Committee on Insurance)

Public Safety Legislation

SB 321 - Requires the Governor to appoint a special master to oversee the state's exoneree compensation claims process, currently administered by the California Victims Compensation Board. The special master must, at a minimum, have training and experience in the evaluation of evidence, making determinations of fact, and applying the facts to the law, particularly in the area of wrongful convictions.

(Status: Senate Committee on Appropriations)

SB 420 - Includes sentencing information in the existing list of criminal background information that the California Department of Justice is authorized to provide to specified entities who are eligible to receive Criminal Record Offender Information.

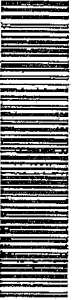
(Status: In Assembly)

Related to the prevailing wage program are changes in state labor codes. Budget trailer bill 502 makes significant changes to prevailing wage monitoring and enforcement by the Department of Industrial Relations. In particular, contractor registrations may increase from \$1,000 to \$25,000 for new construction and \$15,000 for maintenance. Stop orders on public works projects could be issued for unregistered contractors and/or subcontractors. Additionally, new civil penalties could be imposed for infractions of the contractor registration program. The State Labor Commissioner would be given new authority to crack down on contractors, subcontractor and **public agencies** that fail to fulfill program requirements. Agencies who 1) utilize unregistered contractors or subcontractor on a project or 2) fail to notify DIR of a public works project subject to registration could be fined up to \$100 per day up to \$10,000 for each offense. Of major consequence to public agencies, a public agency who is found to have willfully violated the requirements of the program twice in one calendar year would be ineligible to receive state funding for *any project* for one year. The actual language of the bill can be found at the following link: http://www.dof.ca.gov/Budget/Trailer_Bill_Language/documents/502PublicWorksEnforcement001.pdf

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An act to amend Sections 1725.5, 1742.1, 1770, 1771.1, 1771.3, 1771.4, 1773.3, 1773.6, 1778, 1780, 1811, and 1860 of the Labor Code, relating to public works.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1725.5 of the Labor Code is amended to read:

1725.5. A contractor shall be registered pursuant to this section to be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any public work contract that is subject to the requirements of this chapter. For the purposes of this section, "contractor" includes a subcontractor as defined by Section 1722.1.

(a) To qualify for registration under this section, a contractor shall do all of the following:

(1) Beginning July 1, 2014, register with the Department of Industrial Relations in the manner prescribed by the department and pay an initial nonrefundable application fee of three hundred dollars (\$300) to qualify for registration under this section and an annual renewal fee on or before July 1 of each year thereafter. The annual renewal fee shall be in a uniform amount set by the Director of Industrial Relations, and the initial registration and renewal fees may be adjusted no more than annually by the director to support the costs specified in Section 1771.3.

(2) Provide evidence, disclosures, or releases as are necessary to establish all of the following:

(A) Workers' Compensation coverage that meets the requirements of Division 4 (commencing with Section 3200) and includes sufficient coverage for any worker whom the contractor employs to perform work that is subject to prevailing wage requirements other than a contractor who is separately registered under this section. Coverage may be evidenced by a current and valid certificate of workers' compensation



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Insurance or certification of self-insurance required under Section 7125 of the Business and Professions Code.

(B) If applicable, the contractor is licensed in accordance with Chapter 9 (commencing with Section 7000) of the Business and Professions Code.

(C) The contractor does not have any delinquent liability to an employee or the state for any assessment of back wages or related damages, interest, fines, or penalties pursuant to any final judgment, order, or determination by a court or any federal, state, or local administrative agency, including a confirmed arbitration award. However, for purposes of this paragraph, the contractor shall not be disqualified for any judgment, order, or determination that is under appeal, provided that the contractor has secured the payment of any amount eventually found due through a bond or other appropriate means.

(D) The contractor is not currently debarred under Section 1777.1 or under any other federal or state law providing for the debarment of contractors from public works.

(E) The contractor has not bid on a public works contract, been listed in a bid proposal, or engaged in the performance of a contract for public works without being lawfully registered in accordance with this section, within the preceding 12 months or since the effective date of the requirements set forth in subdivision (e), whichever is earlier. If a contractor is found to be in violation of the requirements of this paragraph, the period of disqualification shall be waived if both of the following are true:

(i) The contractor has not previously been found to be in violation of the requirements of this paragraph within the preceding 12 months.



(ii) The contractor pays an additional nonrefundable penalty registration fee of two thousand dollars (\$2,000).

(b) Fees received pursuant to this section shall be deposited in the State Public Works Enforcement Fund established by Section 1771.3 and shall be used only for the purposes specified in that section.

(c) A contractor who fails to pay the renewal fee required under paragraph (1) of subdivision (a) on or before the expiration of any prior period of registration shall be prohibited from bidding on or engaging in the performance of any contract for public work until once again registered pursuant to this section. If the failure to pay the renewal fee was inadvertent, the contractor may renew its registration retroactively by paying an additional nonrefundable penalty renewal fee equal to the amount of the renewal fee within 90 days of the due date of the renewal fee.

(d) If, after a body awarding a contract accepts the contractor's bid or awards the contract, the work covered by the bid or contract is determined to be a public work to which Section 1771 applies, either as the result of a determination by the director pursuant to Section 1773.5 or a court decision, the requirements of this section shall not apply, subject to the following requirements:

(1) The body that awarded the contract failed, in the bid specification or in the contract documents, to identify as a public work that portion of the work that the determination or decision subsequently classifies as a public work.

(2) Within 20 days following service of notice on the awarding body of a determination by the Director of Industrial Relations pursuant to Section 1773.5 or a decision by a court that the contract was for public work as defined in this chapter, the



contractor and any subcontractors are registered under this section or are replaced by a contractor or subcontractors who are registered under this section.

(3) The requirements of this section shall apply prospectively only to any subsequent bid, bid proposal, contract, or work performed after the awarding body is served with notice of the determination or decision referred to in paragraph (2) of this subdivision.

(e) The requirements of this section shall apply to any bid proposal submitted on or after March 1, 2015, ~~and to any contract for public work, as defined in this chapter, entered into on or after April 1, 2015, 2015, and to any work performed under a contract for public work on or after January 1, 2018, regardless of when the contract for public work was entered.~~

(f) This section shall not apply to work performed on a public works project of twenty-five thousand dollars (\$25,000) or less when the project is for construction, alteration, demolition, installation, or repair work or to work performed on a public works project of fifteen thousand dollars (\$15,000) or less when the project is for maintenance work.

SEC. 2. Section 1742.1 of the Labor Code is amended to read:

1742.1. (a) After 60 days following the service of a civil wage and penalty assessment under Section 1741 or a notice of withholding under subdivision (a) of Section 1771.6, the affected contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment or notice shall be liable for liquidated damages in an amount equal to the wages, or portion thereof, that still remain unpaid. If the assessment or notice subsequently is overturned or modified



after administrative or judicial review, liquidated damages shall be payable only on the wages found to be due and unpaid.

~~Additionally, if the contractor or subcontractor demonstrates to the satisfaction of the director that he or she had substantial grounds for appealing the assessment or notice with respect to a portion of the unpaid wages covered by the assessment or notice, the director may exercise his or her discretion to waive payment of the liquidated damages with respect to that portion of the unpaid wages. Any~~

Any liquidated damages shall be distributed to the employee along with the unpaid wages. Section 203.5 shall not apply to claims for prevailing wages under this chapter.

(b) Notwithstanding subdivision (a), there shall be no liability for liquidated damages if the full amount of the assessment or notice, including penalties, has been deposited with the Department of Industrial Relations, within 60 days following service of the assessment or notice, for the department to hold in escrow pending administrative and judicial review. The department shall release the funds in escrow, plus any interest earned, to the persons and entities that are found to be entitled to those funds, within 30 days following either of the specified events occurring:

(1) The conclusion of all administrative and judicial review.

(2) The department receives written notice from the Labor Commissioner or his or her designee of a settlement or other final disposition of an assessment issued pursuant to Section 1741 or from the authorized representative of the awarding body of a settlement or other final disposition of a notice issued pursuant to Section 1771.6.



(c) The Labor Commissioner shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of a civil wage and penalty assessment under Section 1741, afford the contractor or subcontractor the opportunity to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding the assessment without the need for formal proceedings. The awarding body shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of a notice of withholding under subdivision (a) of Section 1771.6, afford the contractor or subcontractor the opportunity to meet with the designee of the awarding body to attempt to settle a dispute regarding the notice without the need for formal proceedings. The settlement meeting may be held in person or by telephone and shall take place before the expiration of the 60-day period for seeking administrative review. No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, the settlement meeting is admissible or subject to discovery in any administrative or civil proceeding. No writing prepared for the purpose of, in the course of, or pursuant to, the settlement meeting, other than a final settlement agreement, is admissible or subject to discovery in any administrative or civil proceeding. The assessment or notice shall advise the contractor or subcontractor of the opportunity to request a settlement meeting.

SEC. 3. Section 1770 of the Labor Code is amended to read:

1770. The Director of the Department of Industrial Relations shall determine the general prevailing rate of per diem wages in accordance with the standards set forth in Section 1773, and the director's determination in the matter shall be final except as provided in Section 1773.4. Nothing in this article, however, shall prohibit the payment



of more than the general prevailing rate of wages to any ~~workman~~ worker employed on public work. Nothing in this act shall permit any overtime work in violation of Article 3 of this chapter.

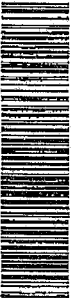
SEC. 4. Section 1771.1 of the Labor Code is amended to read:

1771.1. (a) A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Section 1725.5. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.

(b) Notice of the requirement described in subdivision (a) shall be included in all bid invitations and public works contracts, and a bid shall not be accepted nor any contract or subcontract entered into without proof of the contractor or subcontractor's current registration to perform public work pursuant to Section 1725.5.

(c) An inadvertent error in listing a subcontractor who is not registered pursuant to Section 1725.5 in a bid proposal shall not be grounds for filing a bid protest or grounds for considering the bid nonresponsive, provided that any of the following apply:

(1) The subcontractor is registered prior to the bid opening.



(2) Within 24 hours after the bid opening, the subcontractor is registered and has paid the penalty registration fee specified in subparagraph (E) of paragraph (2) of subdivision (a) of Section 1725.5.

(3) The subcontractor is replaced by another registered subcontractor pursuant to Section 4107 of the Public Contract Code.

(d) Failure by a subcontractor to be registered to perform public work as required by subdivision (a) shall be grounds under Section 4107 of the Public Contract Code for the contractor, with the consent of the awarding authority, to substitute a subcontractor who is registered to perform public work pursuant to Section 1725.5 in place of the unregistered subcontractor.

(e) The department shall maintain on its Internet Web site a list of contractors who are currently registered to perform public work pursuant to Section 1725.5.

(f) A contract entered into with any contractor or subcontractor in violation of subdivision (a) shall be subject to cancellation, provided that a contract for public work shall not be unlawful, void, or voidable solely due to the failure of the awarding body, contractor, or any subcontractor to comply with the requirements of Section 1725.5 or this section.

(g) If the Labor Commissioner or his or her designee determines that a contractor or subcontractor engaged in the performance of any public work contract without having been registered in accordance with this section, the contractor or subcontractor shall forfeit, as a civil penalty to the state, one hundred dollars (\$100) for each day of work performed in violation of the registration requirement, not to exceed an aggregate penalty of eight thousand dollars (\$8,000) in addition to any penalty registration fee



assessed pursuant to clause (ii) of subparagraph (E) of paragraph (2) of subdivision (a) of Section 1725.5.

(h) (1) In addition to, or in lieu of, any other penalty or sanction authorized pursuant to this chapter, a registered public works contractor or subcontractor who is found to have entered into a contract with an unregistered lower-tier subcontractor to perform any public work in violation of the requirements of Section 1725.5 or this section, shall be subject to one or both of the following:

(A) Loss of registration for the current fiscal year and disqualification from registering pursuant to Section 1725.5 for the following fiscal year.

(B) Forfeiture, as a civil penalty to the state, of one hundred dollars (\$100) for each day of work performed in violation of the registration requirement, not to exceed an aggregate penalty of ten thousand dollars (\$10,000).

(2) The Labor Commissioner shall use the same standards specified in subparagraph (A) of paragraph (2) of subdivision (a) of Section 1775 when determining the severity of the violation and what penalty to assess, and may waive the penalty for a first time violation that was unintentional and did not hinder the Labor Commissioner's ability to monitor and enforce compliance with the requirements of this chapter.

(i) The Labor Commissioner or his or her designee shall issue a civil wage and penalty assessment, in accordance with the provisions of Section 1741, upon determination of penalties pursuant to subdivision (g) and subparagraph (B) of paragraph (1) of subdivision (h). Review of a civil wage and penalty assessment issued under this subdivision may be requested in accordance with the provisions of Section 1742. The regulations of the Director of Industrial Relations, which govern proceedings for



review of civil wage and penalty assessments and the withholding of contract payments under Article 1 (commencing with Section 1720) and Article 2 (commencing with Section 1770), shall apply. Loss of registration shall not be assessed as the penalty for a first time violation that was unintentional.

(j) (1) Where a contractor or subcontractor engages in the performance of any public work contract without having been registered in violation of the requirements of Section 1725.5 or this section, the Labor Commissioner shall issue and serve a stop order prohibiting the use of the unregistered contractor or the unregistered subcontractor on all public works until the unregistered contractor or unregistered subcontractor is registered. The stop order shall not apply to work by registered contractors or subcontractors on the public work.

(2) A stop order may be personally served upon the contractor or subcontractor by either of the following methods:

(A) Manual delivery of the order to the contractor or subcontractor personally.

(B) Leaving signed copies of the order with the person who is apparently in charge at the site of the public work and by thereafter mailing copies of the order by first class mail, postage prepaid to the contractor or subcontractor at the address on file with either of the following:

(i) The Contractors State License Board.

(ii) The Secretary of State.

(3) The stop order shall be effective immediately upon service and shall be subject to appeal by the party contracting with the unregistered contractor or subcontractor, by the unregistered contractor or subcontractor, or both. The appeal,



hearing, and any further review of the hearing decision shall be governed by the procedures, time limits, and other requirements specified in subdivision (a) of Section 238.1.

(k) Failure of a contractor or subcontractor, owner, director, officer, or managing agent of the contractor or subcontractor to observe a stop order issued and served upon him or her pursuant to subdivision (j) is guilty of a misdemeanor punishable by imprisonment in county jail not exceeding 60 days or by a fine not exceeding ten thousand dollars (\$10,000), or both.

(g)

(l) This section shall apply to any bid proposal submitted on or after March 1, 2015, and any contract for public work entered into on or after April 1, 2015. This section shall also apply to the performance of any public work, as defined in this chapter, on or after January 1, 2018, regardless of when the contract for public work was entered.

(m) Penalties received pursuant to this section shall be deposited in the State Public Works Enforcement Fund established by Section 1771.3 and shall be used only for the purposes specified in that section.

(n) This section shall not apply to work performed on a public works project of twenty-five thousand dollars (\$25,000) or less when the project is for construction, alteration, demolition, installation, or repair work or to work performed on a public works project of fifteen thousand dollars (\$15,000) or less when the project is for maintenance work.

SEC. 5. Section 1771.3 of the Labor Code is amended to read:



1771.3. (a) The State Public Works Enforcement Fund is hereby created as a special fund in the State Treasury to be available upon appropriation of the Legislature. All registration fees collected pursuant to Section 1725.5 and any other moneys as are designated by statute or order shall be deposited in the fund for the purposes specified in subdivision (b).

(b) Moneys in the State Public Works Enforcement Fund shall be used only for the following purposes:

(1) The reasonable costs of administering the registration of contractors and subcontractors to perform public work pursuant to Section 1725.5.

(2) The costs and obligations associated with the administration and enforcement of the requirements of this chapter by the Department of Industrial Relations.

(3) The monitoring and enforcement of any requirement of this code by the Labor Commissioner on a public works project or in connection with the performance of public work as defined pursuant to this chapter.

(c) The annual contractor registration renewal fee specified in subdivision (a) of Section 1725.5, and any adjusted application or renewal fee, shall be set in amounts that are sufficient to support the annual appropriation approved by the Legislature for the State Public Works Enforcement Fund and not result in a fund balance greater than 25 percent of the appropriation. Any ~~year-end~~ year-end balance in the fund greater than 25 percent of the appropriation shall be applied as a credit when determining any fee adjustments for the subsequent fiscal year.

(d) To provide adequate cashflow for the purposes specified in subdivision (b), the Director of Finance, with the concurrence of the Secretary of the Labor and



Workforce Development Agency, may approve a short-term loan each fiscal year from the ~~Labor and Workforce Development Fund~~ Labor Enforcement and Compliance Fund to the State Public Works Enforcement Fund.

(1) The maximum amount of the annual loan allowable may be up to, but shall not exceed 50 percent of the appropriation authority of the State Public Works Enforcement Fund in the same year in which the loan was made.

(2) For the purposes of this section, a "short-term loan" is a transfer that is made subject to both of the following conditions:

(A) Any amount loaned is to be repaid in full during the same fiscal year in which the loan was made, except that repayment may be delayed until a date not more than 30 days after the date of enactment of the annual Budget Act for the subsequent fiscal year.

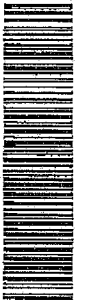
(B) Loans shall be repaid whenever the funds are needed to meet cash expenditure needs in the loaning fund or account.

SEC. 6. Section 1771.4 of the Labor Code is amended to read:

1771.4. (a) All of the following are applicable to all public works projects that are otherwise subject to the requirements of this chapter:

(1) The call for bids and contract documents shall specify that the project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

(2) The awarding body shall post or require the prime contractor to post job site notices, as prescribed by regulation.



(3) Each contractor and subcontractor shall furnish the records specified in Section 1776 directly to the Labor Commissioner, in the following manner:

(A) At least monthly or more frequently if specified in the contract with the awarding body.

(B) In a format prescribed by the Labor Commissioner.

(4) If the contractor or subcontractor is not registered pursuant to Section 1725.5 and is performing work on a project for which registration is not required because of subdivision (f) of Section 1725.5, the unregistered contractor or subcontractor is not required to furnish the records specified in Section 1776 directly to the Labor Commissioner but shall retain the records specified in Section 1776 for at least three years after completion of the work.

(4)

(5) The department shall undertake those activities it deems necessary to monitor and enforce compliance with prevailing wage requirements.

(b) The Labor Commissioner may exempt a public works project from compliance with all or part of the requirements of subdivision (a) of this section if either of the following occurs:

(1) The awarding body has enforced an approved labor compliance program, as defined in Section 1771.5, on all public works projects under its authority, except those deemed exempt pursuant to subdivision (a) of Section 1771.5, continuously since December 31, 2011.



(2) The awarding body has entered into a collective bargaining agreement that binds all contractors performing work on the project and that includes a mechanism for resolving disputes about the payment of wages.

(c) ~~(1)~~ The requirements of paragraph (1) of subdivision (a) shall only apply to contracts for public works projects awarded on or after January 1, 2015.

~~(2) The requirements of paragraph (3) of subdivision (a) shall only apply to the following projects:~~

~~(A) Projects that were subject to a requirement to furnish records to the Compliance Monitoring Unit pursuant to Section 16461 of Title 8 of the California Code of Regulations, prior to the effective date of this section:~~

~~(B) Projects for which the initial contract is awarded on or after April 1, 2015.~~

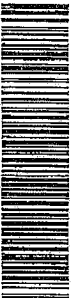
~~(C) Any other ongoing project in which the Labor Commissioner directs the contractors or subcontractors on the project to furnish records in accordance with paragraph (3) of subdivision (a):~~

~~(D) All projects, whether new or ongoing, on or after January 1, 2016.~~

(d) The requirements of paragraph (3) of subdivision (a) shall apply to all contracts for public work, whether new or ongoing, on or after January 1, 2016.

SEC. 7. Section 1773.3 of the Labor Code is amended to read:

1773.3. (a) (1) An awarding agency shall provide notice to the Department of Industrial Relations of any public works contract subject to the requirements of this chapter, within five days of the award, 30 days of the award, but in no event later than the first day in which a contractor has workers employed upon the public work.



(2) The notice shall be transmitted electronically in a format specified by the department and shall include the name of the contractor, and registration number issued by the Department of Industrial Relations pursuant to Section 1725.5 of the contractor, the name and registration number issued by the Department of Industrial Relations pursuant to Section 1725.5 of any subcontractor listed on the successful bid, the bid and contract award dates, the contract amount, the estimated start and completion dates, job site location, and any additional information the department specifies that aids in the administration and enforcement of this chapter.

(b) In lieu of responding to any specific request for contract award information, the department may make the information provided by awarding bodies pursuant to this section available for public review on its Internet Web site.

(c) (1) An awarding agency that fails to provide the notice required by subdivision (a) or that enters into a contract with or permits an unregistered contractor or subcontractor to engage in the performance of any public work in violation of the requirements of Section 1771.1, shall, in addition to any other sanction or penalty authorized by law, be subject to a civil penalty of one hundred dollars (\$100) for each day in violation of either requirement, not to exceed an aggregate penalty of ten thousand dollars (\$10,000) for each project.

(2) The Labor Commissioner shall use the same standards specified in subparagraph (A) of paragraph (2) of subdivision (a) of Section 1775 when determining the severity of the violation and what penalty to assess, and may waive the penalty for a first time violation that was unintentional and did not hinder the Labor Commissioner's ability to monitor and enforce compliance with the requirements of this chapter.

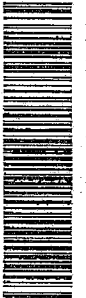


(d) An awarding agency shall withhold final payment due to the contractor until at least 30 days after all of the required information in paragraph (2) of subdivision (a) has been submitted, including, but not limited to, providing a complete list of all subcontractors. If an awarding agency makes a final payment to a contractor after that time and an unregistered contractor or subcontractor is found to have worked on the project, the awarding agency shall be subject to a civil penalty assessed by the Labor Commissioner of one hundred dollars (\$100) for each full calendar day of noncompliance, for a period of up to 100 days, for each unregistered contractor or subcontractor.

(e) The Labor Commissioner may issue a citation for civil penalties to the awarding body pursuant to subdivisions (c) and (d). The citation shall be served pursuant to Section 1013 of the Code of Civil Procedure by first-class and certified mail.

(f) Whenever the Labor Commissioner determines that an awarding agency has willfully violated the requirements of this section or chapter with respect to two or more public works contracts or projects in any 12-month period, the awarding agency shall be ineligible to receive state funding or financial assistance for any construction project undertaken by or on behalf of the awarding agency for one year, as defined by subdivision (d) of Section 1782. The debarment procedures adopted by the Labor Commissioner pursuant to Section 1777.1 shall apply to any determination made under this subdivision.

(g) Penalties received pursuant to this section shall be deposited in the State Public Works Enforcement Fund established by Section 1771.3 and shall be used only for the purposes specified in that section.



(h) This section shall apply only if the public works contract is for a project of greater than twenty-five thousand dollars (\$25,000) when the project is for construction, alteration, demolition, installation, or repair work or if the public works contract is for a project of greater than fifteen thousand dollars (\$15,000) when the project is for maintenance work.

SEC. 8. Section 1773.6 of the Labor Code is amended to read:

1773.6. If during any quarterly period the Director of Industrial Relations shall determine that there has been a change in any prevailing rate of per diem wages in any locality he or she shall make such change available to the awarding body and his or her determination shall be final. Such determination by the Director of Industrial Relations shall not be effective as to any contract for which the notice to bidders has been published.

SEC. 9. Section 1778 of the Labor Code is amended to read:

1778. Every person, who individually or as a representative of an awarding or public body or officer, or as a contractor or subcontractor doing public work, or agent or officer thereof, who takes, receives, or conspires with another to take or receive, for his or her own use or the use of any other person any portion of the wages of any ~~workman~~ worker or working subcontractor, in connection with services rendered upon any public work is guilty of a felony.

SEC. 10. Section 1780 of the Labor Code is amended to read:

1780. Any person acting on behalf of the State or any political subdivision, or any contractor or subcontractor or agent or representative thereof, doing any public work who places any order for the employment of a ~~workman~~ worker on public work



where the filling of the order for employment involves the charging of a fee, or the receiving of a valuable consideration from any applicant for employment is guilty of a misdemeanor.

SEC. 11. Section 1811 of the Labor Code is amended to read:

1811. The time of service of any ~~workman~~ worker employed upon public work is limited and restricted to ~~8~~ eight hours during any one calendar day, and 40 hours during any one calendar week, except as hereinafter provided for under Section 1815.

SEC. 12. Section 1860 of the Labor Code is amended to read:

1860. The awarding body shall cause to be inserted in every public works contract a clause providing that, in accordance with the provisions of Section ~~3700~~ of the Labor Code, 3700, every contractor will be required to secure the payment of compensation to his or her employees.

SEC. 13. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: Public works.

(1) Existing law, for contracts entered into on or after April 1, 2015, requires that a contractor or subcontractor, to be eligible to bid on, be listed on a bid proposal for, or perform work on, any public work, register with the Department of Industrial Relations. This registration requires that the contractor or subcontractor provide certain documentation, including proof of proper licensure and proof of workers' compensation coverage, and pay a \$300 fee and an annual renewal fee.

This bill would apply the above requirement regardless of when the contract for public work was entered. The bill would also exempt certain projects, as specified. The bill, among other things, would impose various civil penalties, as specified, for each day of work performed in violation of the registration requirement and would require the deposit of those penalties in the State Public Works Enforcement Fund, to be used as specified. The bill would require the Labor Commissioner to issue and serve



a stop order prohibiting the use of an unregistered contractor or unregistered subcontractor, as specified. The bill would make the violation of a stop order a misdemeanor. By creating a new crime, the bill would impose a state-mandated local program. The bill would also make various technical, nonsubstantive changes.

(2) Existing law requires the Labor Commissioner to issue a civil wage and penalty assessment to a contractor or subcontractor, or both, if the Labor Commissioner determines, after investigation, that the contractor or subcontractor, or both, violated the laws regulating public works contracts, including the payment of prevailing wages. Existing law permits the affected contractor or subcontractor to obtain review of a civil wage and penalty assessment or a notice of withholding, as specified. Existing law provides that, after 60 days following the service of a civil wage and penalty assessment or notice, the affected contractor, subcontractor, and surety on a bond issued to secure the payment of wages, as provided, become liable for liquidated damages in an amount equal to the amount of unpaid wages and authorizes the Director of Industrial Relations (director) to waive payment of the liquidated damages, as specified.

This bill would delete the director's authorization to waive payment of the liquidated damages.

(3) Existing law creates the State Public Works Enforcement Fund and requires that moneys in the fund be used only for certain purposes, including, among other things, the reasonable costs of administering the registration of contractors and subcontractors, as specified. Existing law authorizes a short-term loan from the Labor and Workforce Development Fund to provide adequate cashflow for those purposes.



This bill would instead authorize a short-term loan from the Labor Enforcement and Compliance Fund for those purposes.

(4) Existing law provides that various requirements are applicable to all public work projects including, among other things, that the call for bids and contract documents specify that the project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

This bill would exempt a contractor or subcontractor who is not registered, as specified, and who is performing work on a project for which registration is not required, as specified, from the requirement to furnish certain records but would require the contractor or subcontractor to retain those records for at least 3 years after completion of the work.

(5) 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 an awarding agency to provide notice, containing certain information, to the Department of Industrial Relations of any public works contract subject to the public works requirements, within 5 days of the award, as provided.

This bill, for certain projects, would instead require an awarding agency to provide the above notice within 30 days of the award, except as specified. The bill would also require the notice to include, among other things, the contractor's name and registration number. The bill would require civil penalties be imposed on an awarding agency that fails to provide the notice described above and would authorize the Labor Commissioner to issue a citation for civil penalties to the awarding body



that fails to provide the required notice. The bill would make an awarding agency ineligible to receive state funding or financial assistance for one year, as specified, whenever the Labor Commissioner determines that an awarding agency has willfully violated certain requirements. The bill would provide that those penalties be deposited in the State Public Works Enforcement Fund and be used as specified.

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 no reimbursement is required by this act for a specified reason.

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



FORT ORD REUSE AUTHORITY LEGISLATIVE COMMITTEE

BUSINESS ITEMS

Subject: FORA Transition Task Force Recommendation

Meeting Date: September 28, 2017

Agenda Number: 7a

INFORMATION/ACTION

RECOMMENDATION(S):

Accept the Transition Task Force (TTF) Recommendation; modify the Legislative Agenda to incorporate modifications to the FORA extension which addresses the TTF recommendation/concerns.

BACKGROUND/DISCUSSION:

In 2016, the Legislative Committee recommended to the FORA Board that a legislative extension be sought changing the Fort Ord Reuse Authority's sunset date from 2020 through a reasonable period not to exceed 2030. The Board slightly modified the original Legislative Committee recommendation and ultimately approved seeking a legislative extension for a reasonable period not to exceed 2037. Part of the background leading to this recommendation included, 1) the 2016 Transition Task Force recommendation to pursue both a legislative extension as well as proceed with transition planning; 2) that the last environmental services clean-up (ESCA) report was slated for 2037; and 3) financial projections, based upon approved and future development, indicated sufficient revenue to allow the implementation of the post-2020 FORA CIP.

Since that time, FORA has negotiated with the Army and it appears that a grant amendment associated with the ESCA clean up obligations will shorten the reporting period from 2037 to 2028. That grant amendment will be providing additional funds for costs related to post 2020 activities. The final documents have not yet been executed.

Additionally, a 2017 Transition Task Force was convened and is recommending a conceptual outline for a Transition Plan. A copy of the September 2017 Transition Task Force report to the Board is attached for your information. Staff will be providing additional information for the Legislative Committee's background and consideration for this item.

COORDINATION:

Authority Counsel, Transition Task Force, Executive Committees, Board of Directors, and Transportation Agency for Monterey County.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Transition Task Force Status Update

Meeting Date: September 8, 2017

Agenda Number: 8e

INFORMATION

RECOMMENDATION:

Accept Transition Task Force ("TTF") Status Report

BACKGROUND/DISCUSSION:

The TTF met on August 30, 2017 to review progress and determine if general consensus might be reached on a methodology to allocate fair and equitable share of the FORA program and craft a recommendation to the Board for the October board meeting. The Committee engaged in a spirited discussion of the methodology and potential limitations to fully implementing the FORA program. There was considerable discussion of the "transition goals" and the various potential forms of a "successor" structure post June 30, 2020. Ultimately, a majority of the TTF members voted the following recommendation as a transition plan for the Board's consideration at its October meeting.

- 1) Create a single entity successor JPA, 2) seek legislative extension of the CFD and other powers to the successor, and 3) utilize Implementation Agreement/Percentage assignment for a jurisdiction's fair and equitable contribution to successor to complete FORA program.

Originally, the motion included that the make-up of the JPA only include the underlying land use jurisdictions and CSUMB and other entities that wanted to participate regionally be allowed to "buy in". However, the composition of the JPA Board was dropped for the final motion.

TTF members raised questions about whether or not a land-holding jurisdiction could "opt-out" of the regional JPA; whether or not the percentages based upon development were "fair and equitable" given the many uncertainties of unentitled projects; and whether or not CSUMB would be required to pay to participate in the JPA. The TTF encouraged answers to the membership and financing questions be provided to the Board. The timeline for a transition plan to the Board and in particular a request to extend the FORA financing mechanisms is of a critical nature given the legislative schedule has already started.

Staff distributed materials to the TTF, which may be found on the FORA web pages at: <http://www.fora.org/Transitiontaskforce.html>.

A more thorough presentation and board report will be presented to the Board at its October meeting.

FISCAL IMPACT:

Reviewed by FORA Controller 

TTF staff time/legal costs were not fully anticipated but to date are within approved budget.

Prepared by 

Sheri L. Damon

Approved by 

Michael A. Houlemard, Jr.



Fort Ord Reuse Authority 2018 LEGISLATIVE AGENDA

This report outlines the 2018 Fort Ord Reuse Authority (FORA) legislative program, which defines Board policy, sets legislative, regulatory, or federal/state resource allocation/direction, and supports the 1997 Base Reuse Plan's (BRP) and the 2012 BRP Reassessment Report guidance. The Legislative Agenda is meant to assist state and federal agencies/legislative offices regarding property transfer, economic recovery/reuse, environmental remediation, habitat management/conservation, and infrastructure and mitigation funding. The order in which the tasks are presented herein does not imply ranking as each item is considered a "priority" in achieving FORA's objectives.

A. HABITAT CONSERVATION PLAN (HCP). Continue/enhance ongoing coordination with federal and state legislative representatives to secure/expedite HCP issuance.

Issue:

HCP approval remains critical to former Fort Ord reuse. Alternatives to a base wide HCP, such as project by project permitting, are costly and time consuming and are not as effective in managing or protecting endangered species.

Benefits:

HCP approval both protects valuable habitat, enables/permits effective regional economic recovery, and provides important amenities to area residents.

Challenges:

HCP processing over the past decade has been difficult and costly. Insufficient federal and state agency resources and overlapping regulatory barriers have thwarted the HCP process. Multiple agency coordination requires communication and encouraging cooperation.

Proposed Position:

- Support legislative and regulatory coordination, state and federal resources, and strong advocacy to enable speedy reviews and processing.
- Coordinate with U.S. Fish and Wildlife Service, U.S. Department of Interior/ Bureau of Land Management (BLM), California Department of Fish and Wildlife (CDFW), the 20th Congressional District, the 17th State Senate District and the 29th State Assembly District to finalize agreements regarding habitat management on BLM's Fort Ord National Monument, UC Natural Reserve and CA State Parks land in order to complete/implement the HCP.

B. LEGISLATIVE COORDINATION REGARDING FORA TRANSITION ISSUES

Issue:

FORA's legislative sunset in 2020 calls for coordination of many items. Specifically, a report to the State Legislature, Local Agency Formation Commission (LAFCO) coordination, jurisdiction interface, and risk analysis. Working with local agencies is crucial. Coordination is beneficial/essential in traversing the long list of issues and reporting requirements.

Benefits:

Collaborative efforts will assure effective transition decisions or potential legislative extension prior to 2020 sunset or possible legislative extension in order to ensure outstanding regional components of the FORA program are implemented.

Challenges:

State law requirements, contractual obligations, and inter-agency agreements will require intensive legislative multi-agency negotiations. One FORA funding mechanism (Mello Roos/Community Facilities District/developer fee) is outside LAFCO jurisdiction and terminates upon FORA dissolution. Replacement funding processes may have a lengthy implementation timeline.

Proposed Position:

1) Coordinate and seek support from State Legislature (17th State Senate District and 29th State Assembly District) to assure post-FORA funding and regional powers for a successor entity (JPA) to undertake remaining regional obligations following FORA's legislatively mandated sunset on June 30, 2020 in compliance with Title 7.85 of the Government Code entitled Fort Ord Reuse Authority Act and/or the 2) to consider a reasonable FORA legislative extension which limits its membership to only the underlying land jurisdictions, while allowing others to participate .

C. ECONOMIC RECOVERY SUPPORT. Support statewide and regional efforts to create local jurisdiction economic recovery, base reuse financing and consider/support innovative building removal funding.

Issue:

The loss of "redevelopment financing" and other refinancing tools to assist in implementing base closure recovery programs was a heavy blow to FORA's member jurisdictions. Jurisdictional funding has dropped and substitute financial tools to support economic reuse/recovery initiatives do not match past vehicles set up to support the replacement infrastructure and mitigations. FORA provided an initial two years of funding for an economic development program including staffing, engaging with regional partnerships and local agency program support. Additional programs are still required for building removal.

Benefits:

Sufficient funding resources for the reuse and recovery from former Fort Ord closure and other military bases. Funding support for economic development programs, habitat management protection, building removal, or other infrastructure demands associated with the reuse programs. Removal of buildings that create a "ghost town" effect are a disincentive to investment.

Challenges:

1) Obtaining agreement to use tax or special district funds to create special financing districts to support targeted economic recovery, affordable housing and/or infrastructure in the climate

of limited resources.

- 2) State funding sources remain unclear and federal budgets have slashed economic development funds.

Proposed Position:

Support legislation, activating local agency processes for economic development.

- Support establishment of Military Base Reuse “Recovery Zones.”
- Support legislation for incentive based mechanisms to strengthen jurisdictions’ ability to enable/implement base closure recovery programs.
- Consider the addition of newly adopted financing mechanisms for jurisdictional support.
- Continue funding and resource development for economic recovery.

D. VETERANS CEMETERY. Continue support/expansion of the California Central Coast Veterans Cemetery (CCCVC) expansion on the former Fort Ord.

Issue:

Burial space for California Central Coast veterans is inadequate. The former Fort Ord is both ideally suited and centrally located and an appropriate facility has now been opened to serve the veteran community. A site was set aside/designated in the 1990s for a veterans’ cemetery and the FORA Board of Directors gave support through previous actions of the establishment of the California Central Coast Veterans Cemetery (CCCVC). After multiple actions over 20 years the CCCVC was opened by the CA Department of Veterans Affairs (CDVA) for above ground columbaria, administration and maintenance buildings, a committal shelter, landscaping, and infrastructure for initial operation in October 2016. Future expansion requires additional design, planning, and review and includes in-ground gravesites and additional columbaria, as well as other potential ancillary uses and would complete the project anticipated in the Base Reuse Plan.

Benefits:

The CCCVC offers final resting places for the region’s 50,000 (approx.) veterans. Burial plots would enable an option for those who for religious or other reasons prefer such an option.

Challenges:

Cemetery expansion will require significant coordination between FORA, the CCCVC Foundation, the California Department of General Services (DGS), CDVA, US Department of Veterans Affairs (USDVA), the City of Seaside, the County of Monterey, and other state/federal agencies.

Proposed Position:

- Support DGS and CDVA construction expansion efforts.
- Support efforts to sustain priority standing for the CCCVC with CDVA and USDVA.
- Promote continued vigilance and cooperation among the regulatory agencies.
- Coordinate with federal agencies, the City of Seaside, the County of Monterey, the 20th Congressional District, the 17th State Senate District, and the 29th State Assembly District to sustain efforts to generate federal funding and/or status for future CCCVC expansion.

E. AUGMENTED WATER SUPPLY. Work with local, regional and federal agencies to secure State and Federal funding and/or resources to augment FORA’s water supply needs.

Issue:

The FORA Capital Improvement Program includes approximately \$24M to fund Regional Water Augmentation necessary to implement the Base Reuse Plan. Six million (\$6M) has been committed to the Pure Water Project to support use of reclaimed resources in the region. Securing outside funds to assist with augmented supply options help the timely implementation of conservation, recycled water and/or desalination water facilities and smooth out upfront costs of infrastructure. Monitor implementation of Ground Water Sustainability Act as it relates to contractual amounts of water to support the implementation of Base Reuse Plan.

Benefits:

Development projected under the Base Reuse Plan depends on an augmented water supply. Additional grant funding reduces FORA and Marina Coast Water District (MCWD) costs to secure water resources and reduces required capital charges.

Challenges:

Scarce funding and competing water projects throughout the region and state. No current federal/state program exists for this funding.

Proposed Position:

- Continue to work with MCWD to enable them to fulfill their contractual obligation to FORA for water resource augmentation.
- Support and coordinate efforts with MCWD, Monterey County Water Resources Agency, Monterey Regional Water Pollution Control Agency, other agencies, and FORA jurisdictions to secure funding and/or support other funding mechanisms proposed for this purpose.
- Coordinate potential water bond funding for Monterey Bay region and FORA augmentation needs.
- Coordinate with the Department of Defense to acquire additional water rights that might become available.

F. LEGISLATIVE COOPERATION WITH MONTEREY BAY AGENCY LEGISLATIVE ISSUES.

Issue:

Monterey-Salinas Transit, Transportation Agency for Monterey County, and the County of Monterey have adopted legislative programs that may have Fort Ord reuse impacts.

Benefits:

Collaborative funding efforts by agencies involved in the same or interdependent projects increase the chances to obtain critical funding and enhanced partnering for matching funds.

Challenges:

State and federal funding is limited, legislative actions that benefit/impact multiple parties requires coordination, and competition for available funds will be keen.

Proposed Position:

- Coordinate and support other legislative programs in the Monterey Bay area when they interface with former Fort Ord reuse programs.

G. ASSURING LONG TERM STEWARDSHIP OF MUNITIONS CLEANUP AREAS.

Coordinate with Federal, State and local agencies on post-cleanup stewardship of munitions and explosives ordnance issues/areas. Seek additional funds from federal resources and pursue optimizing review processes to complete property transfers

Issue:

FORA is scheduled to sunset June 30, 2020 and certain munitions funding terminates in 2019. There will be significant post FORA property management and post-remediation issues that will need to be managed. Those issues require resources, coordination and cooperation which are still being defined.

Benefits:

Collaborative partnering for resources by agencies involved in the same or interdependent projects increase the chances to obtain critical funding. Some long term stewardship issues are unfunded but defined as remedies in federal documents.

Challenges:

State and federal funding resources are limited. Federal and State agencies have not funded long term stewardship in many cases. In addition local jurisdictions have limited funding for long-term stewardship.

Proposed Position:

- Seek federal and state cooperation to assure responsiveness, document completion, and crucial funding for long-term stewardship for munitions response areas.
-

H. PREVAILING WAGES COORDINATION

Coordinate with 17th State Senate Districts and 29th State Assembly District to clarify the implementation of the FORA Prevailing Wage Policy and the enforcement provisions of SB 854, and the newly added regulatory and legislative adjustments of SB96 with the State Department of Industrial Relations.

Issue:

Ongoing confusion continues related to various interpretations of how the FORA Prevailing Wage Policy interfaces with the registration, reporting and enforcement provisions of state public works laws amended in state law in recent years.

Benefits:

Collaborative efforts between the designated military base Reuse Authority and Department of Industrial Relations is needed to promote, coordinate and harmonize state public works laws with state laws requiring speedy transition of military bases to civilian use.

Challenges:

SB 854 is in the third year of implementation and there is little experience within DIR of working with Base Reuse Programs.

Proposed Position:

Support legislative and regulatory coordination, state and federal resources, and strong advocacy to enable speedy reviews, compliance, enforcement and coordinated decisions.