

# Transition Ad Hoc Committee

*April 25, 2018*

*Steve Endsley, Assistant Executive Officer  
Sheri Damon, Prevailing Wage/Risk Coordinator*

- Schedule/Workplan
- Intro/Issues
- Chapter Analysis:  
Environmental Services
- “Side by Side”  
Comparison  
Environmental Services



**Future Meeting(s):** May 9, 2018 3:00 p.m.  
May 16, 2018 1:00 – 4:00  
May 23, 2018 12:00 – 2:00  
May 30, 2018 12:30 p.m.  
Board Workshop?

- **Executive Summary**
- **Chapters**
  - Administrative
  - Water/Wastewater
  - Transportation
  - Habitat
  - Financial Assets
  - Environmental Services/Clean Up
  - Miscellaneous Contracts
  - Transition Staffing
  - CEQA
- **Conclusion**

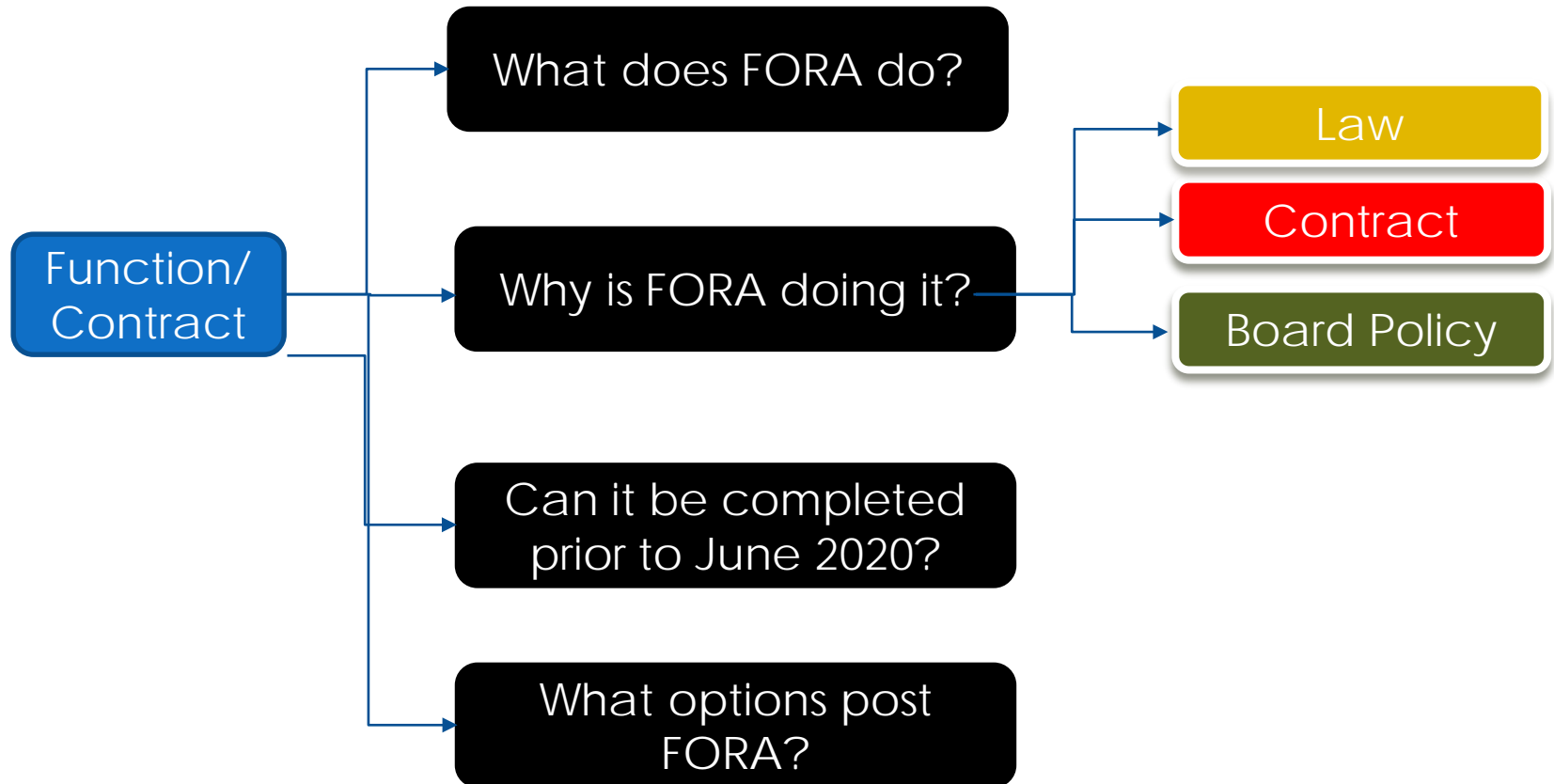


- 2004 Army informs munitions removal delay
- 2005 FORA Board decides to negotiate ESCA
- 2007 ESCA/AOC authorizing Early Transfer
- 2008 Governor signs/Early Transfers occur
- 2008 MOA/Jurisdictions/FORA re ESCA
- 2008-2015 Clean up proceeds
- 2015-2019 Land Use Controls/property transfers

- How will the ESCA resources and responsibilities be distributed?
- What agreements need to be established to “share” the ESCA resources?
- Will the successor(s) need new procedures /format to manage the ESCA? Will there be an additional cost impact to ESCA funds?
- ESCA office location for appropriate access?

- Monterey County
- Seaside
- Marina
- A Joint Powers Agency

*Noted in ESCA contract.*

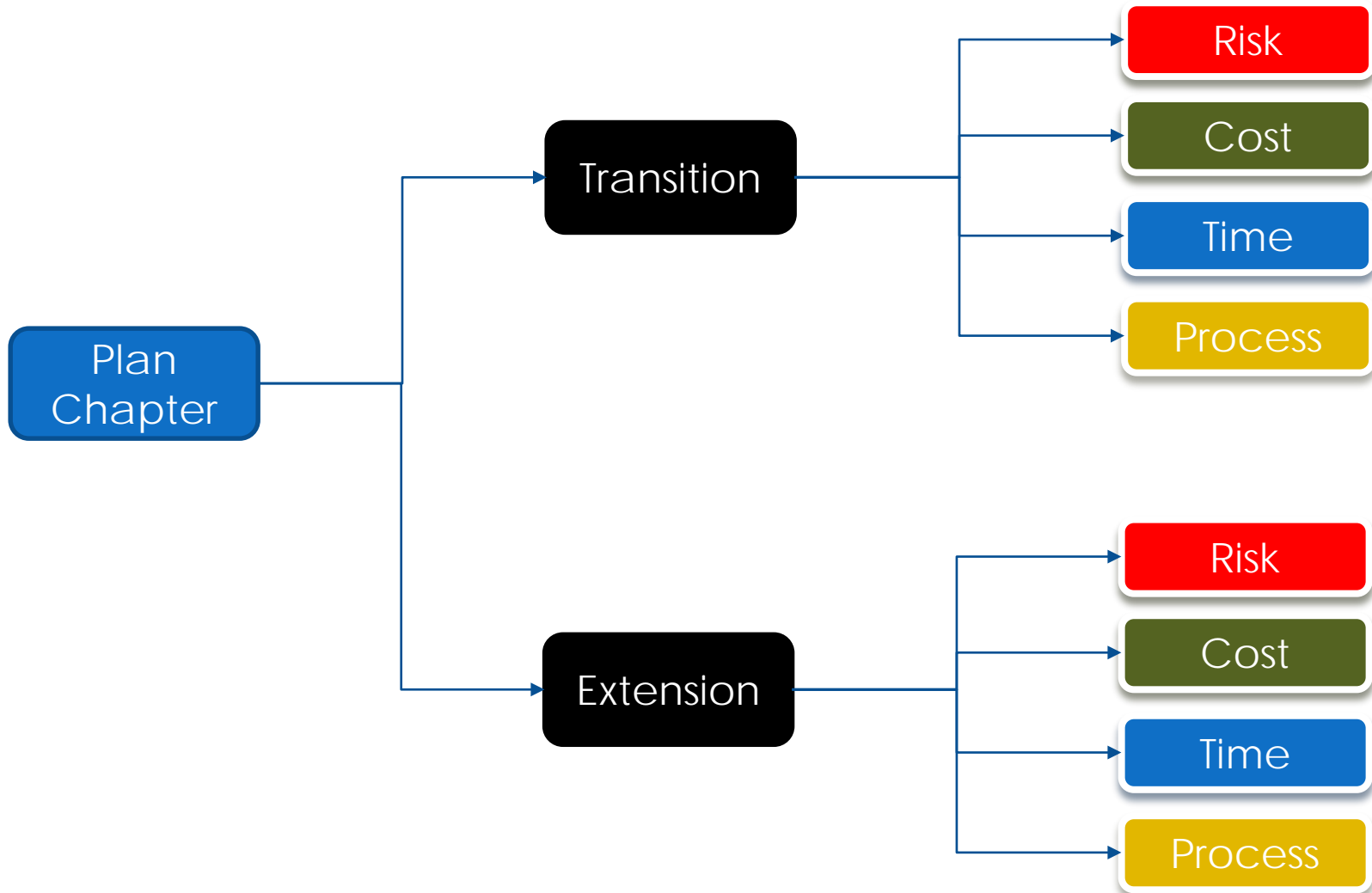




Contract	Year	AGREEMENT LINK	A/L/P/O	CPL	Multi-Agency	Multi-Agency Notes
FORA-City of Monterey ESCA Property Management MOA	2007	<a href="http://fora.org/Reports/TTF/121107_MOA_FORA-ESCA_City%20of%20Monterey.PDF">http://fora.org/Reports/TTF/121107_MOA_FORA-ESCA_City%20of%20Monterey.PDF</a>	A/O	Dependent upon Property transfer	N/A	
Pollution Legal Liability Insurance (PLL) - ESCA Insurance Policy Coverages A, B & C	2007	<a href="http://fora.org/Reports/TTF/ESCA_Insurance_Policy-PLL-5-15-07.pdf">http://fora.org/Reports/TTF/ESCA_Insurance_Policy-PLL-5-15-07.pdf</a>	Asset			1. Requires Written Consent to successor
FORA-County ESCA Property Management MOA	2007	<a href="http://fora.org/Reports/TTF/121807_MOA_FORA-ESCA_Monterey%20County.PDF">http://fora.org/Reports/TTF/121807_MOA_FORA-ESCA_Monterey%20County.PDF</a>	A/O	Dependent upon Property transfer		
FORA-CSUMB ESCA Property Management MOA	2007	<a href="http://fora.org/Reports/TTF/101507_MOA_FORA-ESCA_CSUMB.PDF">http://fora.org/Reports/TTF/101507_MOA_FORA-ESCA_CSUMB.PDF</a>	A/O	Dependent upon Property transfer		
FORA-DRO ESCA Property Management MOA	2007	<a href="http://fora.org/Reports/TTF/112607_MOA_FORA-ESCA_Del%20Rey%20Oaks.PDF">http://fora.org/Reports/TTF/112607_MOA_FORA-ESCA_Del%20Rey%20Oaks.PDF</a>	A/O	Dependent upon Property transfer		
FORA-MPC ESCA Property Management MOA	2008	<a href="http://fora.org/Reports/TTF/121708_MOA_FORA-ESCA_MPC.PDF">http://fora.org/Reports/TTF/121708_MOA_FORA-ESCA_MPC.PDF</a>	A/O	Dependent upon Property transfer		
FORA-Seaside ESCA Property Management MOA	2007	<a href="http://fora.org/Reports/TTF/092007_MOA_FORA-ESCA_Seaside.PDF">http://fora.org/Reports/TTF/092007_MOA_FORA-ESCA_Seaside.PDF</a>	A/O	Dependent upon Property transfer		
ESCA Cooperative Agreement Award (End date amended 2017)	2007	<a href="http://fora.org/Reports/TTF/033007_Coop_Agreement_Award_ESCA.pdf">http://fora.org/Reports/TTF/033007_Coop_Agreement_Award_ESCA.pdf</a>	Asset/Liability	2037	County***	See Sch.C, 5.2.2
ESCA Cooperative Agreement Award-Amendment 1	2017	<a href="http://fora.org/Reports/TTF/ESCA_W9128F-07-2-0162_P00008_fully_executed_090717.pdf">http://fora.org/Reports/TTF/ESCA_W9128F-07-2-0162_P00008_fully_executed_090717.pdf</a>	Asset/Liability	2028	County***	
ESCA Cooperative Agreement Award-Amendment 2	2017	<a href="http://b77.402.myftpupload.com/wp-content/uploads/Fully_signed_ESCA_Grant_Amendment_12-20-17.pdf">http://b77.402.myftpupload.com/wp-content/uploads/Fully_signed_ESCA_Grant_Amendment_12-20-17.pdf</a>				

Contract	Year	AGREEMENT LINK	A/L/P/O	CPL	Multi-Agency	Multi-Agency Notes
FORA-LFR Fort Ord Remediation Services Agreement	2007	<a href="http://fora.org/Reports/TTF/033007_RSA_ESCA.pdf">http://fora.org/Reports/TTF/033007_RSA_ESCA.pdf</a>	Asset/Liability	?2019/2020?	County***	Assignable
US EPA-Army-State of CA Federal Facility Agreement	1990	<a href="http://fora.org/Reports/TTF/111990_Federal_Facilites_Agreement_Amendment.pdf">http://fora.org/Reports/TTF/111990_Federal_Facilites_Agreement_Amendment.pdf</a>	O/L		County	
US EPA Administrative Order on Consent	2007	<a href="http://fora.org/Reports/TTF/ESCA-0099_AOC.pdf">http://fora.org/Reports/TTF/ESCA-0099_AOC.pdf</a>	L/O		County/Seaside/Monterey/ Del Rey Oaks Marina/CSUMB/UC/MPC/MCWD	Requires 120-notice/Financial and Technical Expertise/Approval by EPA/DTSC
Pollution Legal Liability Insurance (PLL) CHUBB	2015	<a href="http://fora.org/Reports/TTF/PLL-Chubb-Policy-transmittal-summary-policy010215.pdf">http://fora.org/Reports/TTF/PLL-Chubb-Policy-transmittal-summary-policy010215.pdf</a>	A/L/			Requires consent
MOU Regarding Development of the Central Coast Veterans Cemetery	2009	<a href="http://b77.402.myftpupload.com/wp-content/uploads/18_050509mouVetCem.pdf">http://b77.402.myftpupload.com/wp-content/uploads/18_050509mouVetCem.pdf</a>	L/O		County/Seaside	
Remedial Design/Remedial Action, Land Use Controls Implementation, Operations and Maintenance Plan, Parker Flats MRA Phase I*	2009	<a href="http://b77.402.myftpupload.com/wp-content/uploads/21_080409PFlatsPh1LUCIPOMP.pdf">http://b77.402.myftpupload.com/wp-content/uploads/21_080409PFlatsPh1LUCIPOMP.pdf</a>		No End Date	County of Monterey	
G1 Land Use Covenant Implementation Plan and Operations Maintenance Plan (LUCIP/OMP)	2018*	"Not available. Under Regulatory review. Estimated issue date 2018/early 2019."	Obligation	No End Date	Enforcement by Successor	
G2 LUCIP/OMP	2018*	"Not available. Under Regulatory review. Estimated issue date 2018/early 2019."	Obligation	No End Date	Enforcement by Successor	
G3 LUCIP/OMP	2018*	"Not available. Under Regulatory review. Estimated issue date 2018/early 2019."	Obligation	No End Date	Enforcement by Successor	
G4 LUCIP/OMP	2018*	"Not available. Under Regulatory review. Estimated issue date 2018/early 2019."	Obligation	No End Date	Enforcement by Successor	
IAR LUCIP/OMP	2018*	"Not available. Under Regulatory review. Estimated issue date 2018/early 2019."	Obligation	No End Date	Enforcement by Successor	
MOA Jurisdictions and DTSC Concerning Monitoring and Reporting on Environmental Restrictions on the Former Fort Ord	2008	<a href="http://b77.402.myftpupload.com/wp-content/uploads/16_022708moaEnviroRestricts.pdf">http://b77.402.myftpupload.com/wp-content/uploads/16_022708moaEnviroRestricts.pdf</a>		No End Date	County/Seaside/Monterey/Del Rey Oaks/Marina, CSUMB/UC/MPC	

# Analysis Overview



# Chapter: Environmental Services

<b>Transition</b>	<b>Risk</b>	Fed/State Single Point of Contact (Lost); Unexpected incidents beyond insurance concern(County/Seaside); Project delay by protracted review (proposed development County/Seaside/DRO)
	<b>Cost</b>	Lost cohesion will increase cost; Funding for program completion or discoveries uncertain; Increased costs for specialized knowledgeable staff/consultants.
	<b>Time</b>	Army & Regulatory Agencies review protracted.
	<b>Process</b>	Very specialized knowledge must be recreated; regulatory connection/comfort lost.

<b>Extension</b>	<b>Risk</b>	No additional risk.
	<b>Cost</b>	Relatively known costs structure under current arrangement & Overhead covered by FORA.
	<b>Time</b>	Existing relationships/knowledge lead to completion in finite timeframe.
	<b>Process</b>	FORA process known.

## Transition

- Limited Contractual choices
  - County, Marina, Seaside, JPA or
  - FORA Act/FORA "Lite" extension

- ESCA function/staffing is specialized. Coordination agreements with other affected jurisdictions required.
- ESCA costs may increase given new coordination not covered in Army contract amendment which assumed single entity coordinated successor
- Litigation/Costs increase if chosen successor fails/refuses to perform duties
- Practical Risk for future development if obligations not completed.

## Extension

- US Army requires one entity to represent the public
- FORA has a series of agreements w/ Army, EPA & State of California that will not be easy to assign
- Funding is as anticipated as structure and coordination remains in place.

# Future Meeting(s)

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# Questions?



4/25/18