



FORT ORD REUSE AUTHORITY

REGULAR MEETING

FORT ORD REUSE AUTHORITY (FORA) ADMINISTRATIVE COMMITTEE

Wednesday, July 31, 2019 at 8:30 a.m.

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

AGENDA

1. CALL TO ORDER/ESTABLISHMENT OF QUORUM

2. PLEDGE OF ALLEGIANCE

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

- Caretaker Cost FY 19/20

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. July 17, 2019 Meeting Minutes

6. AUGUST 9, 2019 DRAFT BOARD MEETING AGENDA REVIEW

7. BUSINESS ITEMS

INFORMATION/ACTION

- a. Habitat Conservation Plan Cost/Impact Study
- b. South Boundary Road Engineering Design Update
- c. Building Removal/Financing Update
- d. ESCA Long Term Obligation Program
- e. 2018 Transition Plan Implementing Agreements Progress Report

8. ITEMS FROM MEMBERS

INFORMATION

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

9. ADJOURNMENT

NEXT MEETING: Wednesday, August 14, 2019 at 8:30 a.m.

Persons seeking disability related accommodations should contact the Deputy Clerk at (831) 883-3672 48 hours prior to the meeting. Agenda materials are available on the FORA website at www.fora.org.



FORT ORD REUSE AUTHORITY
ADMINISTRATIVE COMMITTEE REGULAR MEETING MINUTES
8:30 a.m., Wednesday, July 17, 2019 | FORA Conference Room
920nd Avenue, Suite A, Marina, CA 93933

1. CALL TO ORDER

Chair Michael A. Houlemard, Jr. called the meeting to order at 8:31 a.m.

The following members were present:

Jonathan Brinkmann (LAFCO)
Layne Long* (City of Marina)
Patrick Breen (MCWD)
Hans Uslar* (City of Monterey)
Steve Matarazzo (UMBEST)
Nicole Hollingsworth (17th State Senate District)

Lisa Rheinheimer (Monterey-Salinas Transit)
Melanie Beretti* (County of Monterey)
Craig Malin* (City of Seaside)
Vicki Nakamura (MPC)
Matt Morgensen (City of Marina)
Todd Muck (TAMC)
*Voting member

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Committee member Steve Matarazzo.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

- The Chair of the Fort Ord Reuse Authority (“FORA”) Board indicated that Board members had a question concerning a statement in a Board report that indicated that there is provision in Senate Bill 189 that allowed for the adjustment of the boundaries of the community facilities district that couldn’t be located. It is under CA Law 67700 section 25 (8) b of the proposed amendments.
- Monterey-Salinas Transit Assistant General Manager Hunter Harvath will be taking an early retirement/sabbatical effective at the end of August 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. July 3, 2019 Meeting Minutes

MOTION: On motion by Committee member Malin second by Committee member Long and carried by the following vote, the Administrative Committee moved to approve the July 3, 2019 regular meeting minutes.

MOTION PASSED UNANIMOUSLY

6. JULY 12, 2019 BOARD MEETING FOLLOW UP**INFORMATION**

Mr. Houlemard reviewed the actions taken by the Board at the July 12, 2019 Regular Board Meeting, highlighting a decision by the Board to approve the Del Rey Oaks Loan Retirement Request. Staff responded to questions and comments from the Committee.

This item was for information only.

7. BUSINESS ITEMS**INFORMATION/ACTION****a. Building Removal/Financing Update**

Project Manager Peter Said provided a brief background on the item highlighting where the process began, noting the City of Seaside advocated for FORA to figure out a way to remove the remaining blighted buildings. The Administrative Committee requested FORA staff to look at what could be done. Staff presented a compiled list of the buildings that are remaining to be removed and identified bonding the tax increment would be an option to fund the building removal. The Committee requested additional information on the possibility of bonding the tax increment. Subsequently, staff brought in Mark Northcross from NHA Advisors who prepared an initial Feasibility Study. The study showed it is possible to bond under the Mello-Roos Act and since then the County of Monterey has been working closely with NHA Advisors on several remaining questions. The primary question the County, and other jurisdictions, have been asking is what is the benefit to the jurisdictions with and without building removal? Mr. Northcross reviewed each of the scenarios based on a “no bond, no building removal, no growth” model as requested by the Committee. Committee member Beretti requested that NHA Advisors ensure that the recommendation reflects the Building Removal scenario and determine how much building removal is still outstanding by jurisdiction. Staff and Mr. Northcross responded to questions and comments from the Committee and the public.

MOTION: On motion by Committee member Malin second by Committee member Long and carried by the following vote, the Administrative Committee moved to make a recommendation to the FORA Board of Directors to authorize all necessary preparatory work to issue bonds for blight removal with one abstention from Committee Member Beretti.

b. 2018 Transition Plan Implementing Agreements Progress Report

Planning & Economic Development Manager Josh Metz updated the Committee on the status of the draft Transition Implementing Agreements noting Kendall Flint of Regional Government Services was expected to be here today with follow up from the FORA Board meeting. Mrs. Flint is currently working on the draft master implementing agreement, which may be broken down into individual agreements. Mr. Metz also noted the Marina Coast Water District and ESCA agreements are moving ahead. Staff responded to questions and comments from the Committee and the public.

**Committee Member Melanie Beretti requested that any draft implementing agreements be included in the Administrative Committee Packet and provided to the committee via email in a word format after the meeting concludes.*

8. ITEMS FROM MEMBERS

None.

9. ADJOURNMENT at: 9:31 a.m.

Minutes Prepared By:
Heidi Lizarbe
Deputy Clerk

Memorandum of Agreement By and Between The City of Seaside And (Agency) Regarding Responsibilities During the Period of Environmental Services to Remove Munitions and Explosives of Concern

This Agreement is made by and between the City of Seaside and the AGENCY to establish the terms for managing property during remedial work performed under an Environmental Services Cooperative Agreement ("ESCA") between the U.S. Army ("Army") and The City of Seaside. This Agreement is dated for reference on March 1, 2020.

I. RECITALS

1.1 The Army transferred certain real property to Fort Ord Reuse Authority ("ESCA properties") under a Finding of Suitability for Early Transfer ("FOSET"). That real property was subsequently transferred to the AGENCY; and

1.2 The FOSET refers to certain Covenants Restricting Use of Property (CRUP). The CRUP restricts the use of the ESCA properties until Munitions and Explosives of Concern ("MEC") have been removed to standards set by the United States Environmental Protection Agency (EPA) and California Department of Toxic Substance Control (DTSC); and

1.3 Both parties acknowledge that the ESCA is both an essential contract and a timely benefit for the Monterey Peninsula Region, where the Army provides FORA \$100 million in grant funding to remove MEG from approximately 3,500 acres of the former Fort Ord on the behalf of Seaside and the other Jurisdictions, which will result in AGENCY acquiring this property sooner than if the Army continued MEG removal process; and

1.4 The parties to this agreement acknowledge that rapid MEG cleanup is in the best interest of the general public;

1.5 The ESCA grant award has been funded and the MEG cleanup activities will occur once the Army transfers the ESCA properties to AGENCY; and

1.6 The ESCA Grant pays for insurance coverage for Seaside and its MEC removal contractors, Arcadis, Westcliffe Engineers, Inc. and Weston Solutions, Inc. during the ESCA MEC remedial period; and

1.7 The ESCA properties that pertain to this effort consist of Army Corps of Engineers parcel numbers E18.1.1, E18.1.3, E18.4, E20c.2, E23.1, E23.2, E24, and E34.

II. AGREEMENT

Now, Therefore, Be It Resolved that Seaside and AGENCY agree as follows:

2.1. The Fort Ord Reuse Authority (FORA) retains ownership for the ESCA/FOSET properties during the MEC Remedial Period. FORA agrees to promptly transfer title to the property to AGENCY prior to its dissolution, and AGENCY agrees to accept title, upon Notice of Completion and regulatory approval of completed remediation.

2.2. AGENCY will provide public safety response as needed for police, fire, and other emergency needs of the ESCA properties in its jurisdiction.

2.3. The City of Seaside and its contractors, Arcadis, Westcliffe Engineers, Inc. and Weston Solutions, Inc. will have primary responsibility for controlling access to the ESCA properties during the MEC Remedial Period and will coordinate with the Jurisdictions for Jurisdiction approved activities that are not related to MEC removal.

2.4. Access to the ESCA properties will be governed by restrictions included in the CRUP accompanying the transfer of the property as defined by federal and State regulatory agencies.

RESOLUTION NO. #####

A RESOLUTION OF AGENCY AND THE CITY OF SEASIDE APPROVING THE MEMORANDUM OF AGREEMENT BY AND BETWEEN THE PARTIES REGARDING RESPONSIBILITIES DURING THE PERIOD OF ENVIRONMENTAL SERVICES TO REMOVE MUNITIONS AND EXPLOSIVES OF CONCERN

WHEREAS, The U.S. Army has transferred eight parcels (Army Corps of Engineers parcel numbers E18.I.1, E18.I.3, E18.4, E20c.2, E23.1, E23.2, E24, and E34) to FORA under a Finding of Suitability for Early Transfer (FOSET); and

WHEREAS, Prior to its final dissolution, FORA transferred these properties, which are referred to as ESCA properties, to the AGENCY; and

WHEREAS, all Munitions and Explosives of Concern (MEC) must be removed before the properties can be utilized by the AGENCY; and

WHEREAS, the remedial work is being done under an Environmental Services Cooperative Agreement (ESCA) between the U.S. Army and The City of Seaside under a \$100 million in grant funding to remove MEC from approximately 3,500 acres of the former Fort Ord on the behalf of AGENCY and the other jurisdictions; and

WHEREAS, this arrangement will allow AGENCY to utilize this property sooner than if the U.S. Army continued the MEC removal process; and

WHEREAS, on DATE, an agreement was drafted by The City of Seaside in order to establish terms for remedial work performed by Seaside for the removal of munitions and explosives on these properties; and

WHEREAS, Specifically, the proposed Memorandum of Agreement states that:

- AGENCY will provide public safety response as needed for police, fire, and other emergency needs of the ESCA properties; and
- The Munitions Removal contractor approved by the U.S. Army and managed by the City of Seaside will have primary responsibility for controlling access to the ESCA properties during the MEC Remedial Period.

- START -

**DRAFT
BOARD PACKET**



FORT ORD REUSE AUTHORITY

REGULAR MEETING

FORT ORD REUSE AUTHORITY (FORA) BOARD OF DIRECTORS

Friday, August 9, 2019 at 2:00 p.m. | 910 2nd Avenue, Marina, CA 93933 (Carpenters Union Hall)

AGENDA

ALL ARE ENCOURAGED TO SUBMIT QUESTIONS/CONCERNS BY NOON August 8, 2019.

1. CALL TO ORDER

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

3. CLOSED SESSION

- a. Conference with Legal Counsel – Gov. Code §54956.9(a), (d)(1): Marina Community Partners, LLC v. Fort Ord Reuse Authority, Monterey County Superior Court Case No.: 18CV000871, Pending Litigation.
- b. Conference with Legal Counsel – One item of Potential Litigation, Gov. Code §54956.9(d).
- c. Conference with Labor Negotiators - Government Code section 54957.6.
Agency designated representatives: Michael A. Houlemard, Jr, Eduardo Ochoa, Jane Parker.

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 July 12, 2019 Meeting Minutes
Recommendation: Approve July 12, 2019 meeting minutes.
- b. Administrative Committee
Recommendation: Receive a report from the Administrative Committee.
- c. Veterans Issues Advisory Committee
Recommendation: Receive a report from the Veterans Issues Advisory Committee.
- d. Water/Wastewater Oversight Committee
Recommendation: Receive a report from the Water/Wastewater Oversight Committee (WWOC).
- e. Fiscal Year 2018-19 Annual Report
Recommendation: Receive the Fiscal Year 2018-19 Fort Ord Reuse Authority Annual Report.

- f. Public Correspondence to the Board
Recommendation: Receive Public Correspondence to the Board.

8. BUSINESS ITEMS

INFORMATION/ACTION

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

- a. Executive Officer Contract Amendment - **2nd Vote**
Recommendation: Approve Amendments to Executive Officer's Contract.
- b. Building Removal Financing Recommendation
Recommendation:
- c. Consultant Services Contract Extension/Amendment
Recommendation:
- d. 2018 Transition Plan and Implementing Agreements Progress Report
Recommendation:
- e. Special District Risk Management Authority Board of Directors Election
Recommendation:
 - i. Consider Special District Risk Management Authority (SDRMA) Board of Directors Election.
 - ii. Provide direction to staff on how to support the Board's participation.

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: September 13, 2019 AT 2:00 P.M.

Persons seeking disability related accommodations should contact FORA 48 hours 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 Channel 25. The video and meeting materials are available online at www.fora.org

Placeholder for Item 7a

Board Meeting Minutes July 12, 2019

This item will be included in the final Board packet.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Administrative Committee

Meeting Date: August 9, 2019

Agenda Number: 7b

INFORMATION/ACTION

RECOMMENDATION:

Receive a report from the Administrative Committee.

BACKGROUND/DISCUSSION:

The Administrative Committee held a meeting on July 3, 2019 and July 17, 2019. The approved minutes for these meetings are provided as **Attachment A, and B.**

FISCAL IMPACT:

Reviewed by the FORA Controller _____

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

COORDINATION:

Administrative Committee

Prepared by _____ **Approved by** _____
Heidi L. Lizarbe Michael A. Houlemard, Jr.



APPROVED

FORT ORD REUSE AUTHORITY
ADMINISTRATIVE COMMITTEE REGULAR MEETING MINUTES
8:30 a.m., Wednesday, July 3, 2019 | FORA Conference Room
920nd Avenue, Suite A, Marina, CA 93933

1. CALL TO ORDER

Co-Chair Dino Pick called the meeting to order at 8:32 a.m.

The following members were present:

- | | |
|---|---|
| Dino Pick* (City of Del Rey Oaks) | Lisa Rheinheimer (Monterey-Salinas Transit) |
| Layne Long* (City of Marina) | Melanie Beretti* (County of Monterey) |
| Patrick Breen (MCWD) | Craig Malin* (City of Seaside) |
| Hans Uslar* (City of Monterey) | Vicki Nakamura (MPC) |
| Elizabeth Caraker (City of Monterey) | Matt Morgensen (City of Marina) |
| Steve Matarazzo (UMBEST) | Mike Zeller (TAMC) |
| Nicole Hollingsworth (17 th State Senate District) | Jonathan Brinkmann (LAFCO) |
| | *Voting member |

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Committee member Craig Malin.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

- The Keep Fort Ord Wild vs. FORA lawsuit regarding South Boundary Road project has concluded and the roadway improvements are moving ahead.
- The 2018 Transition Plan Transportation Study Computer Model Iterations are in process and the study is expected to complete by the end of August.
- Fort Ord Cleanup Community Outreach Events: Impact Area Bus Tours on Saturday, 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. June 19, 2019 Meeting Minutes

MOTION: On motion by Committee member Malin second by Committee member Uslar and carried by the following vote, the Administrative Committee moved to approve the June 19, 2019 regular meeting minutes.

MOTION PASSED UNANIMOUSLY

6. JULY 14, 2019 DRAFT BOARD MEETING REVIEW

INFORMATION

Executive Officer Michael A. Houlemard, Jr. provided an overview of the items on the draft July 12, 2019 Board Meeting Agenda and stated that several members of the Veterans Issues Advisory Committee (“VIAC”) have questions on advocacy issues regarding Veteran’s and active military. Some concerns are moving forward the next phase of construction at the Central Coast Veterans Cemetery, will VIAC continue to convene after the June 30, 2020 sunset, and if so, which agency will maintain the oversight. Staff responded to questions and comments from the Committee.

This item was for information only.

7. BUSINESS ITEMS

INFORMATION

a. Building Removal/Financing Follow-up

Jonathan Brinkmann (LAFCO Senior Analyst) provided an update on progress noting NHA Advisors Consultant Mark Northcross has met with several Monterey County staff members, including staff from the Auditor/Controllers Office, in order to get a better understanding of the spreadsheet detail, what those assumptions are, and the property tax implications by jurisdictions. Mr. Northcross reviewed the updated scenarios based on the information from the meeting with County staff. The Committee requested Mr. Northcross run a “no bond, no building removal, no growth” model. Staff and Mr. Northcross responded to questions and comments from the Committee and the Public.

b. 2018 Transition Plan

i. Review of Draft Implementing Agreements

Kendall Flint of Regional Government Services distributed a draft global implementing agreement and noted adjustments had been made to the agreement based on comments from member agencies, including Transportation Agency for Monterey County since the last Committee meeting. Mrs. Flint stated that the agreement is a work in progress and whether or not Senate Bill (“SB”) 189 passes will determine final language in the implementing agreement. She reviewed each section to which changes had been made. The Committee members exchanged comments on the draft, indicated their intent to review with their councils, and requested Mrs. Flint make note of language lifted directly from SB 189 in the draft agreement for easy comparison. Mrs. Flint and staff responded to questions and comments from the Committee and the Public.

8. ITEMS FROM MEMBERS

None.

9. ADJOURNMENT at: 9:56 a.m.

Minutes Prepared By:
Heidi Lizarbe
Deputy Clerk

Attachment b to Item 7b

Administrative Committee Meeting Minutes July 17, 2019

This item will be included in the final Board packet.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Veterans Issues Advisory Committee

Meeting Date: August 9, 2019

Agenda Number: 7c

INFORMATION/ACTION

RECOMMENDATION:

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

BACKGROUND/DISCUSSION:

The Veterans Issues Advisory Committee met on July 25, 2019 and approved the June 27, 2019 minutes. The approved minutes for this meetings are provided as **Attachment A**.

FISCAL IMPACT:

Reviewed by FORA Controller _____

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

COORDINATION:

VIAC

Prepared by _____
Shawn Hall

Approved by _____
Michael A. Houlemard, Jr.



APPROVED

**FORT ORD REUSE AUTHORITY
VETERANS ISSUES ADVISORY COMMITTEE (VIAC) MEETING MINUTES
3:00 P.M. June 27, 2019 | FORA Conference Room
920 2nd Avenue, Suite A, Marina CA 93933**

1. **CALL TO ORDER:** Acting Chair, Edith Johnsen, called the meeting to order at 3:05 P.M.

Committee Members Present:

Edith Johnsen, Veterans Families/Fundraising
Jack Stewart, Monterey County California Central Coast Veterans Cemetery Advisory Committee
Sid Williams, Monterey County Military & Veterans Affairs
James Bogan, Disabled American Veterans
COL. Greg Ford, U.S. Army
Mary Estrada, United Veterans Council
Jason Cameron, Monterey County Office of Military & Veteran Affairs
Richard Garza, CCVC Foundation

2. **PLEDGE OF ALLEGIANCE** led by Mary Estrada.

3. **ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND CORRESPONDENCE**

Principal Analyst Robert Norris invited the members to his 6/27/19 retirement dinner this evening at Bayonet/Blackhorse.

4. **PUBLIC COMMENT PERIOD**

There were no comments from the public.

5. **APPROVAL OF MEETING MINUTES**

- a. May 23, 2018 Regular Meeting Minutes

MOTION: On motion by Committee member James Bogan and seconded by Committee member Sid Williams, the VIAC approved the May 23, 2019 meeting minutes, subject to corrections.

MOTION: PASSED UNANIMOUSLY

6. **BUSINESS ITEMS**

- a. **Affordable Housing**

- i. *Veterans Transition Center Housing Construction*

Mr. Norris handed out an email he received regarding the Lightfighter Village project.

Mr. Jack Murphy, of the Veterans Transition Center ("VTC") in Marina, provided a brief history and update on the supportive housing programs offered by the VTC. Mr. Murphy reported that in over two years the VTC housing program has gone from a 58-unit program to a 90-unit total occupied program. The occupied units are made up of a combination of permanent supportive housing and a 10-bed emergency residential shelter. Mr. Murphy informed the Committee that he recently received an occupancy permit from the City of Marina for the use of two currently unoccupied duplexes for the permanent supportive housing program. Funds for the refurbishment of the units are being allocated from a Community Development Block Grant from the Cities of Seaside and Monterey, the County of Monterey, and from a grant from the Home Depot Foundation. He also updated the group on the 71 bed Lightfighter Village project that is specifically for low income veterans. Project-based vouchers are necessary in order to move forward with grant applications, however, none are available from the Housing Authority this year or next. This may delay the project again. Mr. Jason Cameron informed the group that CalVet offers home loans for working veterans who have a

hard time saving for the down payment on a home. For veterans residing in Monterey County, the max loan amount is over \$800,000 with no down payment.

b. Post-FORA VIAC Committee – Attachment A

Mr. Norris supplied the group with a copy of the current VIAC Committee Charge. There was a discussion regarding the possibility that the VIAC Committee may not continue to be hosted by FORA after it sunsets June 30, 2020. The Committee held further discussion on several possible scenarios as to how VIAC will continue to operate and what the Committee Charge would be. It was recommended that the VIAC Chair, Ian Oglesby, pull the report from the consent agenda at the July 12th FORA Board meeting for discussion.

c. California Central Coast Veterans Cemetery Status Report – Attachment B

Erica Chaney informed the group that the cemetery has a new Office Technician named Maribel Mendoza. She reported that for fiscal year 2018/19 there were 316 veterans interred, and 87 dependents interred. Including the two previous fiscal years, the total number interred is 1,301.

She announced that the Phase 2 EIR comment period ended June 3, 2019. She expects to know if the grant is approved in August or September. If all goes as planned, construction will begin in 2020, and in-ground interments will begin in Spring or Summer 2021.

Mr. Norris provided the group with a copy of the California Military and Veterans Code Section 1456 – Proposed Amendment. The group discussed AB 3035, which was the Bill that 1) established the Veteran's Cemetery; and 2) set up a safe endowment fund for monies from the stat to fund and pay for the cemetery. The Committee discussed the fact that the current language of AB 3035 does not specify that local funds are not required to fund the cemetery, and that it is, in fact, a state funded project. The Committee agreed that language should be drafted to submit to the Legislature specifying exactly where funds for the cemetery are obligated from. It was suggested that the Committee enlist the help of FORA Executive Officer, Michael Houlemard, Jr. in getting the issue of AB 3035's current language on local funding on the Legislative Agenda.

d. Ord Military Community

COL. Greg Ford announced the event, Salute the Nation, will be held at the Presidio on July 3, 2019 at 15:30. This event is open to the public.

e. Fundraising Status

i. Central Coast Veterans Cemetery Foundation Status Report

Mr. Garza informed that group that the Epic Ride ceremony will begin at 1:00pm on Sunday, July 3, 2019 at the cemetery. He also announced that Honor Our Fallen is on October 19, 2019. VTC is coordinating the logistics with the Defense Language Institute. Candy Ingram reported that sponsors are needed for future Honor Our Fallen runs.

f. VA-DOD Clinic

Mr. James Bogan reported that the Town Hall meeting was held 6/19/19 in Marina. The September Town Hall meeting will be at the Salinas American Legion. The December meeting will be in Prunedale.

g. Calendar of Events

Jason Cameron announced that tickets will be on sale soon for the Vet of the Year ceremony. The nomination period is coming to a close.

7. ITEMS FROM MEMBERS

Colonel Ford presented Mr. Norris with a medal in appreciation of his service as a Marine.

Placeholder for Item 7d

Water/Wastewater Oversight Committee Report

This item will be included in the final Board packet.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject:	Fiscal Year 2018-19 Annual Report	
Meeting Date:	August 9, 2019	INFORMATION/ACTION
Agenda Number:		

RECOMMENDATIONS:

Receive the Fiscal Year 2018-19 Fort Ord Reuse Authority Annual Report.

BACKGROUND/DISCUSSION:

Fort Ord Reuse Authority (FORA) staff provides annual project and activity updates to the FORA Board of Directors, local and regional jurisdictions, legislative offices, community members and local business leadership regarding reuse progress. The full-length annual report will be accessible on the FORA website.

FISCAL IMPACT:

Reviewed by FORA Controller _____

Printing costs and staff time for this item are included in the approved FORA budget.

COORDINATION:

FORA Staff

Prepared by _____ Approved by _____
Jen Simon Michael A. Houlemard, Jr.

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Public Correspondence to the Board

Meeting Date: August 9, 2019

Agenda Number: 7f

INFORMATION/ACTION

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

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

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

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject:	Executive Officer Contract Amendment – 2 nd Vote	
Meeting Date:	August 9, 2019	ACTION
Agenda Number:	8a	

RECOMMENDATION:

Approve the Amendments to the Executive Officer's Contract.

BACKGROUND/DISCUSSION:

The Fort Ord Reuse Authority ("FORA") Executive Committee has received and considered proposed amendments to the Executive Officer's employment contract as FORA contemplates and implements significant staff reductions upon FORA's impending sunset on June 30, 2020. Those staff reductions include the retirement of the Assistant Executive Officer and the Principal Analyst (including all Human Resources functions), and the loss of the Deputy Clerk/Executive Assistant, the Controller/Finance Manager, the Risk Manager/Prevailing Wage Coordinator, the Principal Planner and the Administrative Coordinator II. The Executive Committee has received a proposal from the Executive Officer to ensure appropriate and consistent performance of the considerable work remaining to be conducted by FORA until it's sunset on June 30, 2020. The proposed amendments to the Executive Officer's employment contract, which include but are not limited to additional medical benefits, additional management leave time and certain post-FORA termination benefits, will be addressed by the Board in closed session at the July 12, 2019 FORA Board meeting. The results of the Board's consideration of the amendments to the employment contract will be reported to the full Board and public following closed session, and the proposed amendments will be considered during the regular Board meeting under this item. Once the amendments are appropriately considered by the Board, FORA staff, it's consultants and Authority Counsel recommend approval of the proposed amendments to the Executive Officer's contract.

FISCAL IMPACT:

The cost of the amendments to the Executive Officer's contract will be relatively minor in relation to the benefits realized by FORA for the Executive Officer's services during FORA's continued transition as it approaches the sunset date of June 30, 2020.

Reviewed by the FORA Controller_____.

COORDINATION:

Members of the Executive Committee, FORA Authority Counsel

Prepared by _____ Review by _____
Heidi Lizarbe Jon Giffen, Authority Counsel

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEM

Subject: Building Removal Financing/Feasibility Update

Meeting Date: August 9, 2019

Agenda Number: 8b

INFORMATION

RECOMMENDATION:

Authorize the Executive Officer to approve the necessary preparatory work to prepare a bond package for the issuance of building removal bonds.

BACKGROUND/DISCUSSION:

At the October 2018 meeting, the Fort Ord Reuse Authority (“FORA”) Board directed staff to investigate the legality and feasibility of issuing debt against FORA’s statutory share of property tax revenue provided to FORA by the State Legislature as codified in the State of California Health and Safety Code. This code section gives FORA authority to encumber the revenue stream necessary to issue bonds. Without bonding, a significant portion of property tax revenue currently focused on base reuse activities will default back to other agencies following FORA dissolution, and will therefore be unavailable for focused base reuse activities, including building removal. The Board has until June 30, 2020 to complete the bonding process, if it so chooses.

Bond Feasibility

In January 2019, FORA released a competitive Request for Qualifications and selected NHA Advisors (“NHA”) to complete the bond feasibility and financial analysis. NHA completed its first milestone in June 2019, providing a legal and financial feasibility memorandum regarding FORA’s statutory property tax authority (**Attachment A**). NHA found that FORA is able to issue up to approximately \$36M in bonds under the Marks-Roos Act.

Bond Benefits: Quantitative Analysis

NHA also completed a jurisdiction-based quantitative benefit analysis (**Attachment B**). NHA coordinated closely with the Monterey County Auditor Controller to review the tax allocation methodology in the analysis. Through the review, NHA discovered silent stakeholders impacted by future building removal, primarily the Monterey Peninsula Unified School District (“MPUSD”) and Monterey County Regional Fire District (“MCRFD”). The City of Monterey was not included in this analysis because they did not form a Re-Development Agency RDA over their Fort Ord lands.

NHA identified benefits in terms of present value (“PV”) as the best way to compare ‘apples to apples.’ The revenue benefits over a 30-year horizon are a ‘cash flow’ benefit while bond proceeds are a ‘one-time’ benefit. By using PV, it is possible to compare the combined benefit to each stakeholder. NHA then identified a best and worst case with a ‘low build-out scenario’ which assumes no building removal, and a ‘high build-out scenario’ made possible by building removal. Finally, NHA identified a bond proceed allocation based on the amount of building removal in each jurisdiction up to the \$37M bond limit. The Building removal allocation assumes a 30% contingency to cover administrative and unforeseen costs.

FORA has successfully removed \$50M of blight to date and reused 60% of the former military buildings; staff estimates \$50-\$60M of blight remains on the former Fort Ord. Not all of the buildings will be removed with bond proceeds, and the jurisdictions must decide how to prioritize the bond allocations. A comparison of Scenario 2 (no building removal) and Scenario 3 (building removal) highlights bond issuance benefits (**Attachment B**).

Stakeholders would gain from a bond issuance with each one seeing increased revenues over 30 years. An unexpected benefit of FORA issuing a bond and completing building removal is that MPUSD would gain \$26M in additional revenues. Marina would have a PV gain of \$19M, Seaside would gain \$9.5M, County would gain \$2M and MST, TAMC and MCWD would gain \$5.8M. The MCRFD would have a diminimus loss of about \$30K a year; however, the public safety, hazardous materials, and fire hazard of the wood buildings and bunkers near the East Garrison Community, which MCRFD serves, would be removed.

Lastly, the bond would use roughly 60% of the existing tax increment being collected today. This would leave 30% available to FORA if extended by California Senate Bill 189, or will default back to the agencies through the standard cascade if not extended. The NHA analysis excel file is available for review at: <https://www.fora.org/admin.html>.

Administrative Committee Recommendation

At the July 17, 2019, the Administrative Committee considered the legal memorandum, and quantitative analysis. The City of Seaside City Manager Craig Malin moved to make a recommendation to the FORA Board of Directors to authorize all necessary preparatory work to issue bonds for building removal with the stipulation they should be focused solely on building removal and the associated administrative costs. The motion was seconded by Marina City Manager Layne Long, and passed unanimously with one abstention from the Monterey County committee member. The preparatory work includes three elements described below: 1) a Financial Consultant Report (“FCR”) to assess FORA’s credit, 2) a Bond Indenture (BI) to determine how the funds are allocated to the jurisdictions, the terms reflecting how bond proceeds will be spent, and what is required for the fiscal agent or trustee to release the funds, and 3) Official Statements identifying the legal exposure to potential investors.

Element 1: Financial Consultant Report

The FCR is a financial feasibility statement, analysis of the credit quality, and independent review of the underlying assumptions. For the first element, the Board authorized a contract in February 2019 whereby Economic Planning Systems (“EPS”) will perform additional work pertaining to the transition planning, including work for the building deconstruction program. The scope of the contract states that Task 2 “..will be informed by ongoing discussions between FORA and its member jurisdictions, it is anticipated that related work will entail evaluating the allocation of FORA obligations relative to revenue generation by individual jurisdictions, understanding implications of various proposed terms with regard to development prospects and financial feasibility, and other related infrastructure and habitat conservation financing dynamics associated with transition planning.” Based on the Board approved scope of the EPS contract Amendment #11, there is no need to obtain an additional consultant for a transition planning/building deconstruction FCR and the work can begin immediately. As part of the necessary preparatory work the EPS Amendment #11 contract amount will be increased to complete a FCR and additional analysis to support the bond issuance and the associated

transition plan implementation agreements. Please refer to Item 8c in this month's Board report concerning contract adjustments.

Element 2: Bond Indenture

The BI sets the terms of the bond and requires the AC address five components: 1) identification of the portions of the project areas that will be tax exempt, 2) the process for allocation of bond proceeds, 3) procedures for amending the indenture in case of over/under runs and unexpected events, and 4) procedures for invoicing. The County of Monterey Auditor Controller and Risk Management staff identified the need to establish clear payment terms given the number of stakeholders. This will require NHA, in coordination with Authority Counsel, to work out the BI terms with the AC. Based on the Board approved scope of NHA's contract, there is no need to obtain an additional consultant and the work can begin immediately.

Element 3: Official Statement

The Official Statements identify the legal exposure to investors. It is informed by the FCR, credit review package, and the BI. This work and the remaining closeout documents are included in the NHA scope and contract cost.

Next Steps

NHA will work with the AC, Authority Counsel, EPS, and FORA staff to prepare the bond package. The Marks-Roos act requires a public hearing at each contributing jurisdiction's city council following the completion of the bond package and prior to the FORA Board approval to issue a bond. NHA anticipates the bond package to be ready in mid-September. The FORA Board could then consider authorizing a bond issuance at its regular meeting in October.

Recommendation

At the July 17, 2019 AC meeting the City of Seaside City Manager Craig Malin moved to make a recommendation to the FORA Board of Directors to authorize all necessary preparatory work to issue bonds for building removal. The motion was seconded by City Manager Layne Long, and passed unanimously. At the July 31, 2019 AC meeting Monterey County Fort Ord Committee decided to _____ ..

Given NHA's analysis showing the benefit to the region, and a unanimous endorsement by the AC, staff recommends the Board authorize the EO to approve the necessary preparatory work to prepare a bond package for the issuance of building removal bonds.

FISCAL IMPACT:

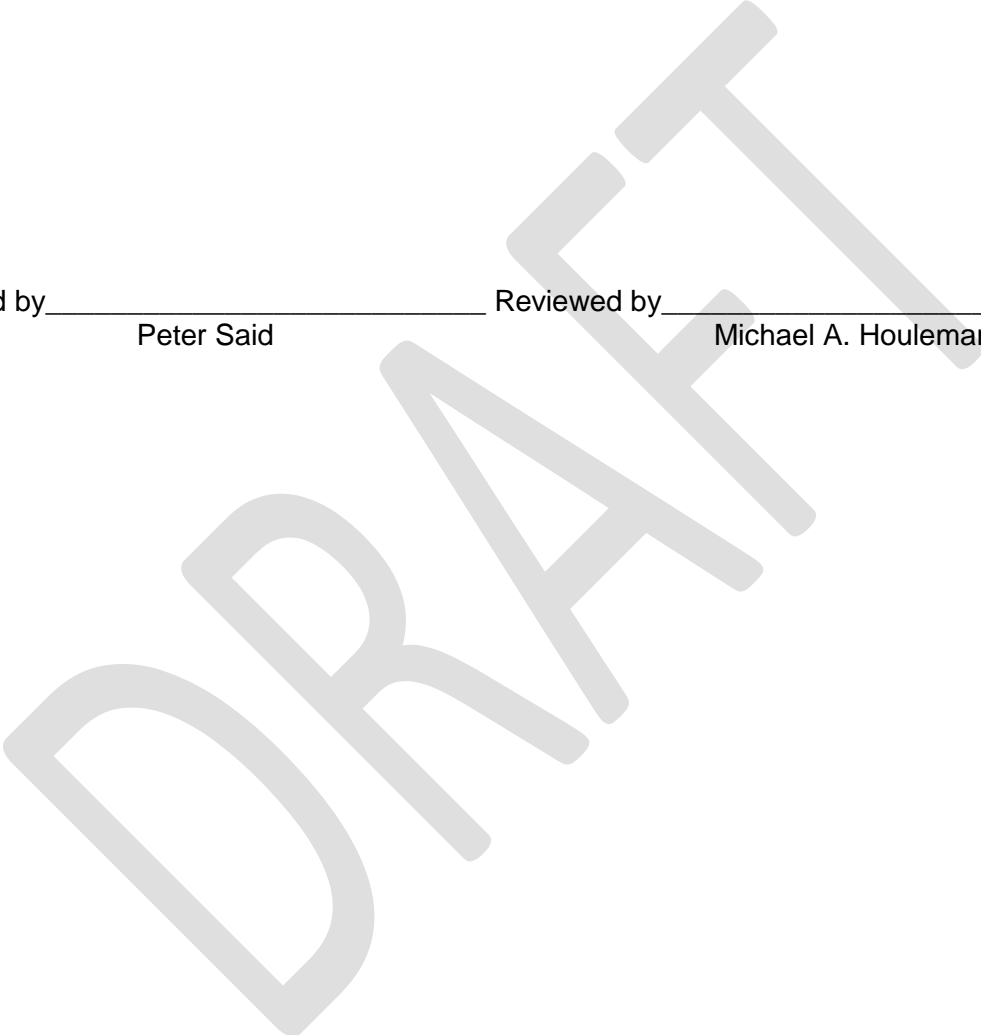
Reviewed by FORA Controller _____

Staff time to support the AC is included in the approved annual budget. The Board's action may result in an increase in EPS consultant services by up to \$40,000, which will be incorporated into the FORA mid-year CIP and budget update.

COORDINATION:

County of Monterey, The Fort Ord Committee, Cities of Seaside, Monterey, Del Rey Oaks, and Marina, Administrative Committee, Economic Planning Systems, NHA Advisors

Prepared by _____ Reviewed by _____
Peter Said Michael A. Houlemard, Jr.



FEASIBILITY MEMORANDUM

July 3, 2019

To: Michael A. Houlemard, Jr., Executive Officer, 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 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	\$927,076
ROPS B	\$21,707	\$678,582	\$520,457	\$4,820	\$475,337	\$1,700,903
Total	\$36,144	\$1,013,281	\$868,440	\$8,137	\$701,977	\$2,627,979
Revenues as % of Total	1.38%	38.56%	33.05%	0.31%	26.71%	100.00%

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 believe that East Garrison project area should not be a credit concern since it is primarily single family residential.

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

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

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. The 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 the continued FORA operations.

Table 5: Maximum Annual Debt Service Scenarios

FY 2018-19 Combined FORA Tax Increment	\$2,627,979
Estimated Implementation Plan Amendments set-aside	\$150,000
Net FY 2018-19 combined FORA Tax Increment	\$2,477,979
MADS at 1.10x coverage	\$2,252,708
MADS at 1.15x coverage	\$2,154,764
MADS at 1.25x coverage	\$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. Fiscal Year 2019-20 estimates a combined FORA tax increment of approximately \$3 million, which was used in the Most Optimistic scenario discussed below.

With respect to the credit concern about taxpayer concentration, the coverage ratio is the most effective way of mitigating this risk. A higher the 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 1.5x on assumed \$3 million in tax increment in combined FORA tax increment for FY 2019-20, and an all-in interest rate of 3.60% 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 \$36.6 million. This scenario assumes an A- underlying rating, bond insurance, and a surety bond on the bonds.
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 conservative 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 conservative 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
1 – Current Market Conditions with Bond Insurance and a Surety Bond	1.5x	3.60%	80% Taxable and 20% Tax Exempt	A- (AA after Insurance)	\$36,607,000
2 - Moderately Conservative	1.15x	5.00%	Fully Taxable (Current Market)	BBB	\$29,463,000
3 - Conservative	1.25x	5.50%	Fully Taxable (Current Market + 0.5%)	BBB/A-	\$25,455,000

All scenarios assume 9/1/2047 final principal payment

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
1 - Most Optimistic	\$503,475	\$14,114,716	\$12,097,122	\$113,346	\$9,778,339	\$36,607,000
2 - Moderately Conservative	\$405,220	\$11,360,174	\$9,736,321	\$91,226	\$7,870,058	\$29,463,000
3 - Conservative	\$350,096	\$9,814,792	\$8,411,841	\$78,816	\$6,799,455	\$25,455,000

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
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
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.

Development and Property Tax Revenue Projections

Summary of Scenarios for FORA Member Jurisdiction RDAs

Highest Present Value Scenario Highlighted in Red

Bond Proceeds Allocation Assumptions (Based on Information Received from FORA)

51.184% 25.951% 0.000% 6.884% 0.000% 15.980% 0.000% 0.000%

Scenario 1: 2020 Dissolution with Bond Issue								HSC 33482.78 Passthroughs	
	Marina	Seaside	Del Rey Oaks	Monterey County (General Fund)	Monterey County Regional Fire District*	MST, MCWD & TAMC	MPUSD	MPC	
Net bond proceeds	18,737,217	9,500,000	-	2,520,000	-	5,850,000	-	-	
PV of increased revenues received by General Fund, after debt service	5,435,147	3,647,824	1,605,594	22,722,849	29,948,041	-	120,957,609	13,062,392	
Total Benefit	24,172,364	13,147,824	1,605,594	25,242,849	29,948,041	5,850,000	120,957,609	13,062,392	

Scenario 2: 2020 Dissolution with No Bond Issue								HSC 33482.78 Passthroughs	
	Marina	Seaside	Del Rey Oaks	Monterey County (General Fund)	Monterey County Regional Fire District*	MST, MCWD & TAMC	MPUSD	MPC	
Net bond proceeds	-	-	-	-	-	-	-	-	
PV of increased revenues received by General Fund	4,499,579	4,467,067	1,615,786	24,066,246	31,729,842	-	101,297,321	10,939,293	
Total Benefit	4,499,579	4,467,067	1,615,786	24,066,246	31,729,842	-	101,297,321	10,939,293	

Scenario 3: Extension Through 2022 with Bond Issue								HSC 33482.78 Passthroughs	
	Marina	Seaside	Del Rey Oaks	Monterey County (General Fund)	Monterey County Regional Fire District*	MST, MCWD & TAMC	MPUSD	MPC	
Net bond proceeds	18,737,217	9,500,000	-	2,520,000	-	5,850,000	-	-	
PV of increased revenues received by General Fund, after debt service	5,206,398	3,494,445	1,562,178	21,811,229	28,652,578	-	120,957,609	13,062,392	
Total Benefit	23,943,615	12,994,445	1,562,178	24,331,229	28,652,578	5,850,000	120,957,609	13,062,392	

Scenario 4: Extension Through 2022 with No Bond Issue								HSC 33482.78 Passthroughs	
	Marina	Seaside	Del Rey Oaks	Monterey County (General Fund)	Monterey County Regional Fire District*	MST, MCWD & TAMC	MPUSD	MPC	
Net bond proceeds	-	-	-	-	-	-	-	-	
PV of increased revenues received by General Fund, after debt service	4,169,707	4,188,551	1,571,163	22,616,370	29,670,213	-	101,297,321	10,939,293	
Total Benefit	4,169,707	4,188,551	1,571,163	22,616,370	29,670,213	-	101,297,321	10,939,293	

*Pursuant to an agreement with Monterey County Regional Fire District whereby the County transfers 65.5% of property taxes received to the fire department.

Difference between PV Figures for Scenarios 3 and 2	19,444,036	8,527,378	(53,608)	264,984	(3,077,264)	5,850,000	19,660,288	2,123,099	
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Surplus Funds Available for FORA Operational Budget Assuming Extension through FYE 2022	FYE 2019	FYE 2020	FYE 2021	FYE 2022
FORA Share of Allocation Available After Debt Service (available for budget) <i>(Assuming blight removal, high development, bonds issued)</i>	2,833,271	1,653,758	2,373,413	3,451,932
FORA Share of Allocation Available for budget <i>(Assuming no blight removal, low development, no bonds)</i>	2,833,271	3,663,055	4,342,634	4,893,639
Difference (reflects different development assumptions and bonds debt service)	0	2,009,297	1,969,221	1,441,707

Placeholder for Item 8c

Consultant Services Contract Extension/Amendment

This item will be included in the final Board packet.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEM

Subject:	2018 Transition Plan and Implementing Agreement Progress Report	
Meeting Date:	August 9, 2019	INFORMATION
Agenda Number:	8d	

RECOMMENDATION:

- i. Receive a Fort Ord Reuse Authority ("FORA") 2018 Transition Plan and Implementing Agreement Progress Report.

BACKGROUND:

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

STATUS UPDATE- PENDING LEGISLATION:

Senator Monning introduced two bills related to the FORA Act. Senate Bill (SB) 189 regarding FORA extension & dissolution, and SB 533 regarding prevailing wage. SB 189 passed the State Senate 38-0 and the State Assembly Committee on Local Government 8-0. The bill now awaits consideration by the State Assembly Committee on Appropriations, followed by votes of the full Assembly and Senate, prior to arriving at the Governor's desk for signing. SB 533 will not be heard this session.

SB 189, as currently drafted, among other things, extends FORA and the community facilities district ("CFD") by two (2) years, creates a re-comprised 8-member (5 voting members) board. Voting members include: City of Marina, City of Seaside, City of Del Rey Oaks, City of Monterey, & Monterey County. Non-voting members include: United States Army, California State University, & Marina Coast Water District. The re-comprised Board will, among other things, oversee property tax, CFD, and other revenues, and revision of the CFD boundaries (as needed). SB 189 also includes a California Environmental Quality Act ("CEQA") exemption. Attached please find copies of SB 189 in its current form (**Attachment A**). Key modifications from the introduced version include:

- Addition of three ex-officio members to the FORA Board;
- Assuring Health and Safety Code tax split;
- Clarifying FORA Authority between 2020-2022;
- Restructuring the limited purpose and jurisdiction form of Board;
- Precluding the addition of capital improvement program projects after June 30, 2020; and
- Including a CEQA exemption for the reorganization, noting CEQA is still required to be performed by the jurisdictions for individual projects.

TRANSITION PLANNING PROGRESS REPORT:

Since the March 8, 2019 Board meeting report, FORA transition plan implementation consultants Regional Government Services ("RGS") have met with various stakeholders and compiled background information to support drafting Transition Plan Implementation Agreements ("TPIA"). The RGS workplan involves drafting the following set of TPIA for consideration by the Board:

1. **Multi-agency TPIA:** addressing issues relevant to each FORA land use jurisdiction (Del Rey Oaks, Marina, Monterey, Monterey County, Seaside) as well as:

- a. Transferring FORA's regional transportation obligations and offsite transportation reimbursement agreements to the Transportation Agency for Monterey County ("TAMC") and the holdover jurisdictions;
 - b. Economic Development Conveyance ("EDC") Successor (property transfers);
 - c. Local Reuse Authority ("LRA") Successor; and
 - d. Provisions to continue regional housing solutions cooperation.
2. **Water TPIA:** addressing transfer of certain FORA rights (as may be noted in EDC agreement noted above) and obligations to Marina Coast Water District ("MCWD") relative to water supply and allocation.
 3. **Environmental Services Cooperative Agreement ('ESCA') TPIA:** regarding post-FORA successor and obligations

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

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

RGS consultants produced a DRAFT ESCA TPIA for Administrative Committee review at the July 31, 2019 meeting (**Attachment D**).

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

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

COORDINATION:

Executive Officer.

ATTACHMENTS:

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

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

AMENDED IN ASSEMBLY JUNE 17, 2019

AMENDED IN SENATE MAY 17, 2019

AMENDED IN SENATE APRIL 11, 2019

AMENDED IN SENATE APRIL 1, 2019

SENATE BILL

No. 189

Introduced by Senator Monning

(Coauthors: Assembly Members Robert Rivas and Mark Stone)

January 30, 2019

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(4)~~

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

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

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

~~(5)~~

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

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

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

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

(6)

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

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

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

(7)

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

(8)

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

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

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

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

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

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

3 67652. The Legislature finds and declares as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 30 (1) A representative appointed by the Monterey Peninsula
 31 Community College District.
- 32 (2) A representative appointed by the Monterey Peninsula
 33 Unified School District.
- 34 (3) A representative designated by the Member of Congress
 35 that has the majority portion of Ford Ord in their Congressional
 36 District.
- 37 (4) A representative designated by the Senator that has the
 38 majority portion of Ford Ord in their Senate District.
- 39 (5) A representative designated by the Assembly Member that
 40 has the majority portion of Ford Ord in their Assembly District.

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

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

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

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

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

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

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

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

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

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

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

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

22 ~~SEC. 8.~~

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

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

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

29 ~~SEC. 9.~~

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

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

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

1 ~~SEC. 10.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (1) Monterey Bay regional plans.

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

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

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

36 ~~SEC. 11.~~

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

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

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

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

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

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

12 ~~SEC. 12.~~

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

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

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

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

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

1 ~~SEC. 13.~~

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

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

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

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

17 ~~SEC. 14.~~

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

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

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

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

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

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

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

5 ~~SEC. 15.~~

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

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

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

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

20 ~~SEC. 16.~~

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

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

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

30 ~~SEC. 17.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 ~~SEC. 18.~~

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

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

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

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

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

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

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

8 ~~SEC. 19.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 ~~SEC. 20.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 ~~SEC. 21.~~

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

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

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

25 ~~SEC. 22.~~

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

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

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

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

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

11 ~~SEC. 23.~~

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

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

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

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

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

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

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

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

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

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

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

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

24 ~~SEC. 24.~~

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

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

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

30 (1) Implement the transition plan.

31 (2) Manage the community facilities district boundaries.

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

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

39 (5) Collect and disburse property tax revenues.

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

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

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

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

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

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

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

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

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

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

O

Transition Document	By	Parties	Status	Draft to Board	Final Draft	Signed
Implementing Agreements	RGS	<ul style="list-style-type: none"> • Del Rey Oaks • Marina • Monterey • Monterey County • Seaside 	Two “draft” documents have been submitted for review by Admin Committee. Deadline for comments is June 26.	July 12	August 9	
MCWD Water Agreements	MCWD	<ul style="list-style-type: none"> • Del Rey Oaks • Marina • Seaside • Monterey • Monterey County • UC Santa Cruz • Monterey Peninsula College 	Drafts have been submitted and reviewed by Admin Committee in April and May. MCWD is finalizing with agencies.	July 12	TBD	
ESCA	RGS Seaside	<ul style="list-style-type: none"> • Del Rey Oaks • Marina • Seaside • Monterey • Monterey County • UC Santa Cruz • Monterey Peninsula College 	<p>RGS is working with the City of Seaside to complete the memo for Army review. Army will submit to EPA and DTSC concurrently for approval.</p> <p>Agreements, pending final approval by Army, will be submitted for</p>	August 9	September 13	

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

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

IMPLEMENTING AGREEMENT

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

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

RECITALS:

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

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

Section 1. Definitions

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

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

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

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

Section 2 Governance

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

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

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

Exofficio members may include:

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

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

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

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

Section 3 Compliance with Water/Waste Water Allocations

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

Section 4. Capital Improvements: Local Roads

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

These include:

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

Section 5 Capital Improvements: Regional Roads

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

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

Section 6 Habitat Conservation Plan Implementation

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

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

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

Section 7 Ordinance.

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

Section 8 Records Retention and Management

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

Section 9 Land Transfer Reporting Requirements

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

Section 10 Dissolution of the Authority

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

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

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

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

Section 11. Severability.

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

Section 12. Dispute Resolution.

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

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

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

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

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

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

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

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

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

Section 13 Entire Agreement.

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

Section 14 Multiple Originals: Counterparts.

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

Section 15 Modifications.

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

Section 16 Interpretation.

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

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

Section 17 Relationship of the Parties.

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

Section 18 Waiver.

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

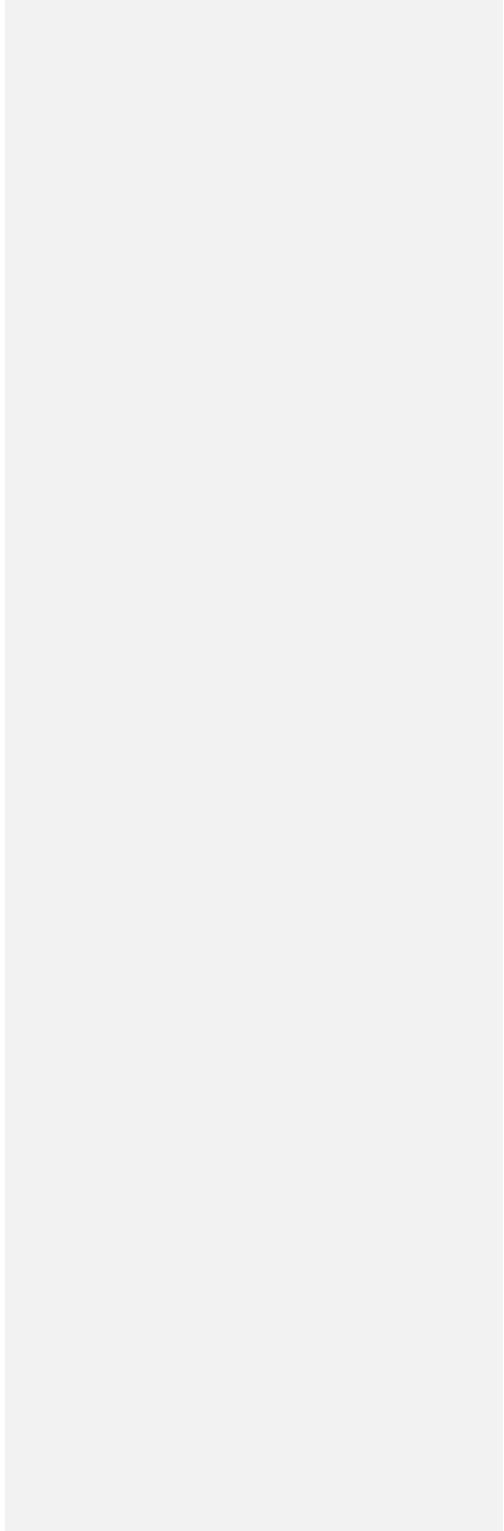
Section 19 Further Assurances.

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

Section 20 Days.

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

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



DRAFT

**Memorandum of Agreement By and Between The City of Seaside And
(Agency) Regarding Responsibilities During the Period of Environmental Services to Remove
Munitions and Explosives of Concern**

This Agreement is made by and between the City of Seaside and the AGENCY to establish the terms for managing property during remedial work performed under an Environmental Services Cooperative Agreement ("ESCA") between the U.S. Army ("Army") and The City of Seaside. This Agreement is dated for reference on March 1, 2020.

I. RECITALS

1.1 The Army transferred certain real property to Fort Ord Reuse Authority ("ESCA properties") under a Finding of Suitability for Early Transfer ("FOSET"). That real property was subsequently transferred to the AGENCY; and

1.2 The FOSET refers to certain Covenants Restricting Use of Property (CRUP). The CRUP restricts the use of the ESCA properties until Munitions and Explosives of Concern ("MEC") have been removed to standards set by the United States Environmental Protection Agency (EPA) and California Department of Toxic Substance Control (DTSC); and

1.3 Both parties acknowledge that the ESCA is both an essential contract and a timely benefit for the Monterey Peninsula Region, where the Army provides FORA \$100 million in grant funding to remove MEG from approximately 3,500 acres of the former Fort Ord on the behalf of Seaside and the other Jurisdictions, which will result in AGENCY acquiring this property sooner than if the Army continued MEG removal process; and

1.4 The parties to this agreement acknowledge that rapid MEG cleanup is in the best interest of the general public;

1.5 The ESCA grant award has been funded and the MEG cleanup activities will occur once the Army transfers the ESCA properties to AGENCY; and

1.6 The ESCA Grant pays for insurance coverage for Seaside and its MEC removal contractors, Arcadis, Westcliffe Engineers, Inc. and Weston Solutions, Inc. during the ESCA MEC remedial period; and

1.7 The ESCA properties that pertain to this effort consist of Army Corps of Engineers parcel numbers E18.1.1, E18.1.3, E18.4, E20c.2, E23.1, E23.2, E24, and E34.

II. AGREEMENT

Now, Therefore, Be It Resolved that Seaside and AGENCY agree as follows:

2.1. The Fort Ord Reuse Authority (FORA) retains ownership for the ESCA/FOSET properties during the MEC Remedial Period. FORA agrees to promptly transfer title to the property to AGENCY prior to its dissolution, and AGENCY agrees to accept title, upon Notice of Completion and regulatory approval of completed remediation.

2.2. AGENCY will provide public safety response as needed for police, fire, and other emergency needs of the ESCA properties in its jurisdiction.

2.3. The City of Seaside and its contractors, Arcadis, Westcliffe Engineers, Inc. and Weston Solutions, Inc. will have primary responsibility for controlling access to the ESCA properties during the MEC Remedial Period and will coordinate with the Jurisdictions for Jurisdiction approved activities that are not related to MEC removal.

2.4. Access to the ESCA properties will be governed by restrictions included in the CRUP accompanying the transfer of the property as defined by federal and State regulatory agencies.

DRAFT

RESOLUTION NO. #####

A RESOLUTION OF AGENCY AND THE CITY OF SEASIDE APPROVING THE MEMORANDUM OF AGREEMENT BY AND BETWEEN THE PARTIES REGARDING RESPONSIBILITIES DURING THE PERIOD OF ENVIRONMENTAL SERVICES TO REMOVE MUNITIONS AND EXPLOSIVES OF CONCERN

WHEREAS, The U.S. Army has transferred eight parcels (Army Corps of Engineers parcel numbers E18.I.1, E18.I.3, E18.4, E20c.2, E23.1, E23.2, E24, and E34) to FORA under a Finding of Suitability for Early Transfer (FOSET); and

WHEREAS, Prior to its final dissolution, FORA transferred these properties, which are referred to as ESCA properties, to the AGENCY; and

WHEREAS, all Munitions and Explosives of Concern (MEC) must be removed before the properties can be utilized by the AGENCY; and

WHEREAS, the remedial work is being done under an Environmental Services Cooperative Agreement (ESCA) between the U.S. Army and The City of Seaside under a \$100 million in grant funding to remove MEC from approximately 3,500 acres of the former Fort Ord on the behalf of AGENCY and the other jurisdictions; and

WHEREAS, this arrangement will allow AGENCY to utilize this property sooner than if the U.S. Army continued the MEC removal process; and

WHEREAS, on DATE, an agreement was drafted by The City of Seaside in order to establish terms for remedial work performed by Seaside for the removal of munitions and explosives on these properties; and

WHEREAS, Specifically, the proposed Memorandum of Agreement states that:

- AGENCY will provide public safety response as needed for police, fire, and other emergency needs of the ESCA properties; and
- The Munitions Removal contractor approved by the U.S. Army and managed by the City of Seaside will have primary responsibility for controlling access to the ESCA properties during the MEC Remedial Period.

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject:	Special District Risk Management Authority Board of Directors Election	
Meeting Date:	August 9, 2019	ACTION
Agenda Number:	8e	

RECOMMENDATION:

- i. Consider Special District Risk Management Authority (SDRMA) Board of Directors Election.
- ii. Provide direction to staff on how to support the Boards participation.

BACKGROUND:

As a member of SDRMA, FORA may vote in SDRMA Board elections, which is currently seeking to fill three open seats. On May 2, 2019, SDRMA's Election Committee reviewed nomination documents submitted by the candidates in accordance with SDRMA policy No. 2017-10 Establishing Guidelines for Director Elections. The Election Committee confirmed that five candidates met the qualification requirements, and those names were included on the Official Election Resolution Ballot distributed to SDRMA members. The Statements of Qualifications submitted by each candidate are attached for Board review (**Attachment A**).

After selecting three of the five candidates, the FORA Board of Directors must approve the Official Election Resolution and Ballot provided by SDRMA (**Attachment B**). The signed Ballot and Resolution must be received by SDRMA no later than Wednesday August 21, 2019.

FISCAL IMPACT:

Reviewed by FORA Controller _____

There is no direct fiscal impact to FORA. Staff time for this is included the approved FORA budget.

COORDINATION:

Executive Officer.

ATTACHMENTS:

Attachment A: Candidate Statement of Qualifications

Attachment B: SDRMA Official Election Resolution

Prepared by _____ Approved by _____
Heidi Lizarbe Michael A. Houlemard, Jr.

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

This information will be distributed to the membership with the ballot, "exactly as submitted" by the candidates – no attachments will be accepted. No statements are endorsed by SDRMA.

Candidate* Bob Swan
District/Agency Groveland Community Services District (GCSD) ■
Work Address P.O. Box 350, Groveland, CA 95321
Work Phone (209) 962-7161 Home Phone (408) 398-4731
*The name or nickname and any designations (i.e. CPA, SDA, etc.) you enter here will be printed on the official ballot, exactly as submitted.

Why do you want to serve on the SDRMA Board of Directors? (Response Required)

I am a current Board member. I would like to be elected to a second term because:

1. As a board member of Groveland CSD, I am particularly aware of the great value that smaller districts get from SDRMA, and I'd like to continue to do my part to make sure that this important agency continues to operate smoothly and stably into the indefinite future.
2. The insurance market in California (and nationwide) is going through a period of rapid change. The Board and staff are engaged in a major re-evaluation of SDRMA's approach to fulfilling its mission of providing cost-effective risk management services to its members. I believe that it is important to maintain Board continuity in this effort.
3. SDRMA Board members are either board members ("electeds") or employees of a member agency. I think there is value in having a balance between elected and employee Board members. The Board seats that are NOT up for election are currently 3 employees / 1 elected. I'd like to make sure the new Board has at least 2 elected members.

What Board or committee experience do you have that would help you to be an effective Board Member? (SDRMA or any other organization) (Response Required)

1. SDRMA Board Member since 2016. This year (2019), I serve as Secretary. During our "no CEO" period in late 2017 - early 2018, I was a member of the ad hoc Personnel Committee. I am also a member of the Alliance Executive Council, and a backup member of the Legislative Committee.
2. Groveland CSD Board Member since I was appointed in June 2013. For the years 2014-2018, I served as Board President. (We finally implemented mandatory rotation of the office in 2019).
3. Member of the Board of Southside Community Connections, a local nonprofit in Groveland that provides educational, social, and recreational services to seniors, as well as free transportation to those who cannot drive.
4. Board Member (currently Treasurer) of Pine Cone Performers, a local choral and acting group, since 2010.
5. Back during my work life, I was a corporate representative on an IEEE standards committee concerned with wireless networking. It was very educational being on a committee where the members had widely differing (competing) goals.

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

**What special skills, talents, or experience (including volunteer experience) do you have?
(Response Required)**

History: BS Physics, MS Computer Science. 3 years in USAF. 30 years in the semiconductor industry, first as an engineering manager, later as a business unit manager. Now retired (so I have plenty of time).

Skills, etc.: Very familiar with financial reports, cost accounting, quantitative analysis. Working knowledge of modern computer and communications technology. Managed distributed organizations with up to 150 technical people and up to \$120M in annual sales. Pretty good at listening to different views, and helping to achieve consensus (or, at least, compromise).

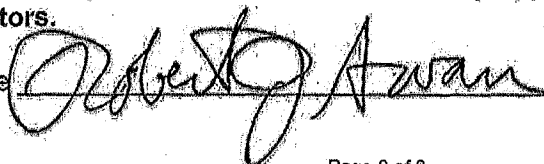
What is your overall vision for SDRMA? (Response Required)

Well, obviously I support our (newly revised) vision statement: "To be the exemplary public agency risk pool of choice for California special districts and other public agencies". In order to achieve this vision, I believe the key issues are:

1. Maintain long term financial stability. This includes ensuring that there is a fair allocation of cost versus risk across the pool membership.
2. Continue to retain / acquire highly qualified staff, and ensure that this is a desirable place to work.
3. Remember who are our target clientele, which in my opinion are small to mid-sized districts with limited options for insurance.
4. In light of ever-evolving California workers-compensation law, expand risk-management training even further than we now provide.
5. Maintain good relations with our re-insurers (who insulate us from catastrophe). In the long run, explore the possibility of joining a "captive" re-insurer to improve stability.

I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.

Candidate Signature

 Date 4-24-2019

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

**What special skills, talents, or experience (including volunteer experience) do you have?
(Response Required)**

My experience with special districts and governance, belief in the importance of quality governing policies, the ability to work effectively with the other board members and staff and a desire to give back to SDRMA and its membership will be what I bring to the SDRMA Board of Directors.

What is your overall vision for SDRMA? (Response Required)

For SDRMA to continually advance as an industry leader providing affordable solutions for special districts of any size enabling them to be effective within the communities they serve.

I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.

Candidate Signature



Date

4-26-19

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

This information will be distributed to the membership with the ballot, "exactly as submitted" by the candidates – no attachments will be accepted. No statements are endorsed by SDRMA.

Candidate* Patrick K. O'Rourke, MPA/CFRM
District/Agency Redwood Region Economic Development Commission (RREDC)
Work Address 520 E Street Eureka, CA 95501
Work Phone 707-445-9651 Home Phone 707-726-6700

*The name or nickname and any designations (i.e. CPA, SDA, etc.) you enter here will be printed on the official ballot, exactly as submitted.

Why do you want to serve on the SDRMA Board of Directors? (Response Required)

I have considerable interest, knowledge, and experience in board leadership; board service; and board governance/policy development & oversight in for-profits, nonprofits, a joint powers authority/SDRMA member organization, and as an elected city councilman. I also have considerable experience (as a top-level executive board leader and manager) in organizational risk management and risk mitigation/prevention. I would like to share my knowledge, skills, abilities, and experience in service to SDRMA members, via my service on SDRMA's board of directors. I believe that my knowledge, experience, and dedication to excellence and implementation of best practices in governance and policy development/oversight will serve SDRMA well, and will assist SDRMA in maintaining its "Excellence" accreditation via the California Association of Joint Powers Authorities (CAJPA).

What Board or committee experience do you have that would help you to be an effective Board Member? (SDRMA or any other organization) (Response Required)

Having served in board leadership roles (25+ years in for-profit entities; 25+ years in nonprofit & private/public foundations; and 2+ years in a Joint Powers Authority [SDRMA member organization]), I am well-versed and experienced in board governance; policy development; financial statement analysis and budget review; executive management search/selection, oversight and evaluation; organizational risk management/mitigation; litigation oversight; and best practices in organizational governance. At SDRMA member organization, Redwood Region Economic Development Commission (RREDC), I have served as 2019 Immediate Past Chair; 2018 Board Chair; 2017 Vice Chair; Chair of Executive Committee; and Member of the Loan Committee. I have in-depth knowledge of policy governance (Culver, et al.); I am an advocate for transparency & best practices; and I am knowledgeable & experienced in California's Ralph M. Brown Act and Roberts Rules of Order. I have also served in board governance and board leadership roles in several nonprofit organizations and in both public and private foundations, including as Board Chair (12+ years) and in President & Vice President roles. I have also Chaired Search/Selection committees; Public Relations committees; Fund Development committees; and Finance/Audit committees.

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

**What special skills, talents, or experience (including volunteer experience) do you have?
(Response Required)**

Besides holding a Master of Public Affairs degree, with a specialty in nonprofit management; having completed all coursework and written/oral exams (all except dissertation) for a PhD in Mass Communication, with a specialty in public relations and a cognate in organizational communication management, I have several other directly-relevant skills/talents/experience including: I am expertly adept at executive-level relationship development and stewardship, and have served as an organizational & industry advocate and liaison working closely with community organizations, local/county/state elected officials, and public/private entities/organizations and foundations. I am expertly adept at financial and operational analysis, and at asset/portfolio management and risk mitigation. I have taught for-credit university courses in corporate leadership; in entrepreneurial leadership research and practice; as well as having published peer-reviewed academic research on leadership in public relations.

What is your overall vision for SDRMA? (Response Required)

My vision for SDRMA would be for SDRMA to continue to add value to its members; operate with the highest ethical practices and transparency; continue in providing excellence in service, education, safety and compliance training; help members to mitigate and reduce risk; provide expedient claims review and response; provide members with state-of-the-art education and information; educate members to minimize losses/risk in member workplaces; and to continue to provide members with comprehensive coverage for property/liability, workers comp, and health benefits.

I would envision SDRMA management and staff enjoying a quality of life that will ensure their happiness and continue an atmosphere of dedicated service to SDRMA members. I would also envision that SDRMA will continue to operate with efficiencies that minimize costs/expenses, continue to enable SDRMA to maintain competitive premium rates, and (when possible) lower organizational and member costs. I would also envision a governing board that embraces and employs best governing practices in all areas of policy development; executive management oversight; financial review/audit; and in investing and spreading portfolio assets to minimize portfolio investment risks and maximize return on investments. Finally, I would envision SDRMA, and its management team/staff, operating in ways that will continue to earn accreditation "Excellence" from the California Association of Joint Powers Authorities (CAJPA).

I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.

Candidate Signature _____

Date

3/25/1953 2019

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

This information will be distributed to the membership with the ballot, "exactly as submitted" by the candidates. No statements are endorsed by SDRMA.

Candidate* Sandy Seifert-Raffelson

District/Agency Herlong Public Utility District

Work Address 447-855 Plumas St., P o Box 115, Herlong, CA 96113

Work Phone (530) 827-3150 Cell Phone (530) 310-4320

*The name or nickname and any designations (i.e. CPA, SDA, etc.) you enter here will be printed on the official ballot, exactly as submitted.

Why do you want to serve on the SDRMA Board of Directors?

I am a current Board member of SDRMA and feel that I have added my financial background to make better informed decisions for our members. As a Board member, I continue to improve my education of insurance issues and look forward to representing small District's and Northern California as a voice on the SDRMA Board. I feel I am an asset to the Board with my degree in Business and my 30 plus years' experience in accounting and auditing.

I understand the challenges that small District face every day when it comes to managing liability insurance, worker's compensation and health insurance for a few employees with limit revenue and staff. My education and experience give me an appreciation of the importance of risk management services and programs, especially for smaller District that lack expertise with insurance issues on a daily basis.

I feel I am an asset to this Board, and would love a chance to stay on 4 more years!

What Board or committee experience do you have that would help you to be an effective Board Member? (SDRMA or any other organization)

While serving on the SDRMA Board, I have been privilege to be Secretary of the Board for two years, and currently the Vice-President. I have served on CSDA's Audit and Financial Committee's for 6 years; I have served on the SDLF Board; Northeastern Rural Health Clinic Board; Fair Board; School and Church boards; 4-H Council and leader for 15 years; and UC Davis Equine Board. In the past 25 years, I have learn that there is no "I" in Board and it can be very rewarding to be part of a team that makes a difference for others.

As part of my many duties working with Herlong PUD, I worked to form the District and was directly involved with LAFCo, Lassen County Board of Supervisors and County Clerk to establish the initial Board of Directors and first Policies for HPUD. I have administered the financial portion of 2 large capital improvement project with USDA as well as worked on the first ever successful water utility privatization project with the US Army and Department of Defense. I am currently working on a 4.2 million grant from California for new infrastructure for the small District HPUD absorb through LAFCo in 2017. I am also the primary administrator of a federal contract for utility services with the Federal Bureau of Prison and the US Army.

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

What special skills, talents, or experience (including volunteer experience) do you have?

I have my Bachelor's Degree in Business with a minor in Sociology. I have audited Small Districts for 5 years, worked for a Small District for almost 15 years and have over 30 years of accounting experience. I am a good communicator and organizer. I have served on several Boards and feel I work well within groups or special committee. I am willing to go that extra mile to see things get completed.

I believe in recognition for jobs well done. I encourage incentive programs that get members motivated to participate and strive to do their very best to keep all losses at a minimum and reward those with no losses.

I have completed my Certificate for Special District Board Secretary/Clerk Program in both regular and advance course work through CSDA and co-sponsored by SDRMA. I have completed the CSDA Special District Leadership Academy and Special District Governance Academy. I am in the processes of getting my small District re-certified for their District of Transparency and hope one day to attain our District of Distinction.

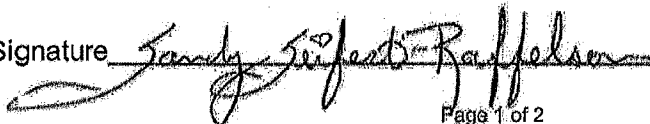
I work for a District in Northeastern California that has under gone major changes from a Cooperative Company to a 501c12 Corporation, to finally a Public Utility District. I have worked with LAFCo to become a District. Also our small District consolidated another small District into our District. Through past experience I feel I make a great Board member representing the small districts of Northern California and their unique issues and will make decisions that would help all rural/small districts.

What is your overall vision for SDRMA?

For SDRMA to be at the top of the risk management field and to continue communicating and listening to the needs of all California Special Districts and meeting those needs at a reasonable price that Special Districts can afford. I would like to continue education and rewards for no claims and explore avenues of financial endeavors that will benefit our customers.

I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.

Candidate Signature



Date

4/16/19

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

This information will be distributed to the membership with the ballot, "exactly as submitted" by the candidates
– no attachments will be accepted. No statements are endorsed by SDRMA.

Candidate* James (Jim) M. Hamlin
District/Agency Burney Water District
Work Address 20222 Hudson St. Burney, Ca. 96013
Work Phone (530) 335-3582 Cell Phone _____

*The name or nickname and any designations (i.e. CPA, SDA, etc.) you enter here will be printed on the official ballot, exactly as submitted.

Why do you want to serve on the SDRMA Board of Directors? (Response Required)

Hope to serve and help with decisions being made to both strengthen SDRMA and
move into new areas. Our districts are facing new challenges constantly.

**What Board or committee experience do you have that would help you to be an effective Board Member?
(SDRMA or any other organization) (Response Required)**

See Next

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

What special skills, talents, or experience (including volunteer experience) do you have? (Response Required)

September 1972 until January 2014, owned and operated a Insurance brokerage
Sold business and retired.

Board Member of Mayers Memorial Hospital District From 1990 until 2014
Served on the Associal of Hospital Districts for six years.

Served on the board of Burney Water District the previous six years. Current
Serving on Mayers Memorial Hospital Financial Board.

What is your overall vision for SDRMA? (Response Required)

SDRMA Board must be strong and protect the concerns of their members. Need
to have a listening ear for the districts that are represented. Need to
use caution when jumping into new areas, not jepordise their strong programs
and beliefs for new programs.

I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.

Candidate Signature

James M. Hamble

Date

3-27-2019

OFFICIAL 2019 ELECTION BALLOT
SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY
BOARD OF DIRECTORS

VOTE FOR ONLY THREE (3) CANDIDATES

Mark each selection directly onto the ballot, voting for no more than three (3) candidates. Each candidate may receive only one (1) vote per ballot. A ballot received with more than three (3) candidates selected will be considered invalid and not counted. All ballots must be sealed and received by mail or hand delivery in the enclosed self-addressed, stamped envelope at SDRMA on or before 4:30 p.m., Wednesday, August 21, 2019. Faxes or electronic transmissions are NOT acceptable.

- BOB SWAN (INCUMBENT)**
Board Member, Groveland Community Services District

- JESSE D. CLAYPOOL**
Board Chair, Honey Lake Valley Resource Conservation District

- PATRICK K. O'ROURKE, MPA/CFRM**
Board Member, Redwood Region Economic Development Commission

- SANDY SEIFERT- RAFFELSON (INCUMBENT)**
Finance Manager/Treasurer, Herlong Public Utility District

- JAMES (Jim) M. HAMLIN**
Board President, Burney Water District

ADOPTED this ____ day of _____, 2019 by the Fort Ord Reuse Authority at a public meeting by the following votes:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

APPROVED:

RESOLUTION NO. 19-XX

A RESOLUTION OF THE GOVERNING BODY OF THE Fort Ord Reuse Authority FOR THE ELECTION OF DIRECTORS TO THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY BOARD OF DIRECTORS

WHEREAS, the Fort Ord Reuse Authority is a member of the Special District Risk Management Authority (“SDRMA”) participating in the SDRMA workers’ compensation coverage protection; and

WHEREAS, SDRMA is a Joint Powers Authority formed under California Government Code Section 6500 et seq., for the purpose of providing property, liability, and workers’ compensation coverage protection and risk management services statewide exclusively for California public agencies.

WHEREAS, SDRMA’s Sixth Amended and Restated Joint Powers Agreement specifies SDRMA shall be governed by a seven-member Board of Directors nominated and elected from the members who have executed the current operative agreement and are participating in a joint protection program; and

WHEREAS, SDRMA’s Sixth Amended and Restated Joint Powers Agreement Article 7 - Board of Directors specifies that the procedures for director elections shall be established by SDRMA’s Board of Directors; and

WHEREAS, SDRMA’s Board of Directors approved Policy No. 2017-10 Establishing Guidelines for Director Elections specifies director qualifications, terms of office and election requirements; and

WHEREAS, Policy No. 2017-10 specifies that member agencies desiring to participate in the balloting and election of candidates to serve on SDRMA’s Board of Directors must be made by resolution adopted by the member agency’s governing body.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Fort Ord Reuse Authority selects the following candidates to serve as Directors on the SDRMA Board of Directors:

- END -

**DRAFT
BOARD PACKET**