

Transition Plan Study Session

Presentation to FORA BOARD

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FORA History/Executive Summary



- What's "New"?
- Background/Context
- Key Issues
- Chapter Discussions



- Jurisdictional Assignment
 - Charts
- Public Comment
 - County
 - Seaside
 - TAMC



Land Use Jurisdictions & Successor Entity will:

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

FORA will:

- Implement recovery/mitigation/building removal prior to sunset
- Minimize successor liability

Transition Summary (Expenses)

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

Updated CFD FEES

Jurisdiction	2020 (Entitled)	Post 2020 (Entitled)	Proposed
Del Rey Oaks	\$ 42,370	\$ 42,370	\$ 20,032,700
Marina	\$ 10,640,366	\$ 55,333,761	\$ -
City of Monterey	\$ -	\$ 192,946	\$ 192,946
City of Seaside	\$ 2,578,905	\$ 2,670,964	\$ 26,988,138
County Of Monterey	\$ 5,987,517	\$ 13,980,905	\$ -
UC			\$ 7,966,189
Total	\$ 19,249,158	\$ 72,220,946	\$ 55,179,973



Key Issues



Key Policy Considerations

- **COMPLETE THE ECONOMIC RECOVERY**
 - Base wide costs and base wide mitigations
 - What and When
- **REVENUE GENERATION**
 - Continue existing financing or
 - New System
- **REVENUE SHARING**
 - Decide how to share revenues between those that generate the revenues and those providing the basewide costs and mitigation measures (Includes Prioritization).
- **POLICY ENFORCEMENT**
 - What policies and how? (Prevailing wage, Veteran's Support, Building removal)
- **IMPLEMENTATION PLAN**
 - Contractual Assignment, Agreements and/or Litigation

ADMINISTRATIVE



Indemnity



1. What is potential CalPERS liability for successor(s) to FORA?
2. Who manages LAFCO/real party in interest litigation on Transition Plan if it extends beyond 2020?
3. Who assumes responsibilities under potential settlement agreements or court judgments?
4. Can/Should FORA seek extension of various insurance policies to provide gap/statute of limitation coverage? Eg. Workers' comp/Director coverage?
5. Who receives/maintains FORA records repository/website?

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

ENVIRONMENTAL SERVICES



*California Department of
Toxic Substances Control*



- Who will be ESCA's successor?
- How will successor and other jurisdictions share the ESCA resources and responsibilities?
- Will the ESCA funds, priced for a single coordinated entity to manage and implement be sufficient to support another management structure?
- What agreements need to be in place to share the ESCA resources?
- What additional management structure will the successor need to develop/implement to manage the ESCA?
- Where will ESCA office be for appropriate access to support requirements?

1. The Environmental assets/liabilities/obligations are assigned as identified in the attached spreadsheet;
2. County/Seaside form ESCA JPA as single contact with Army;
 - JPA receives remaining FORA funds, contractual reimbursement agreements with Army, or insurance policies; and/or
3. FORA extension with limited ESCA function to complete Army contract.

HABITAT



1. What happens if USFWS/CA DFW do not approve Basewide HCP/2081 permit prior to FORA Transition?
2. Who is the successor to a Basewide HCP/2081 permit if no Habitat Cooperative is formed?
3. How are replacement funds (approximately \$45M) allocated and/or how is the endowment funded without the FORA Community Facilities District (CFD) fees?
4. What are the obligations under the HMP?
5. Is it feasible to process individual take permits with USFWS/CA DFW?
6. What are the time /development costs and can or should those costs be shifted as habitat conservation is a **basewide cost/regional asset**?
7. How do jurisdictions finance removal of invasive species and habitat restoration?

Habitat: Considerations

1. Form the Joint Powers Authority now, in order to undertake the obligations/responsibilities; ****Note, LAFCO may not assign successor liability to a JPA which is not in legal existence at the time of the order of successorship and successor status will be as identified above in the HMP;***
2. If the JPA is not formed prior to LAFCO action, designate successor entities which have habitat management areas will be responsible for long term management of those areas, with provision that they may limit individual liability by participation in a future JPA for habitat management;
3. Should the HCP and/or the Habitat Cooperative fail, dollars collected by FORA through 6/30/2020 (+/- \$21 million) the FORA Board should consider establishing a loan pool from the collected funds to address habitat responsibilities on a project-by-project basis and set-aside funds to establish an endowment for use by the jurisdictions manage the habitat management areas.

Please limit your comments to the following subject matter:

1. Key Issues
2. Administrative
3. Environmental Services
4. Habitat



TRANSPORTATION



Potential Infrastructure Assignment/Coordination

Off-Site Improvements					
	Proj#	Description	Obligation	Assignment	Est Completion
Monterey County	1	Davis Rd north of Blanco	773,206	CO	2028-2029
Monterey County	2B	Davis Rd south of Blanco	12,849,185	CO	2022-2023
Monterey County	4D	Widen Reservation-4 lanes to WG	9,569,628	CO	2028-2029
Monterey County	4E	Widen Reservation, WG to Davis	5,344,788	CO	2028-2029
City of Marina	10	Del Monte Blvd Extension	3,965,140	MARINA	2022-2023
Subtotal Off-Site			\$ 32,501,946		
On-Site Improvements					
	Proj#	Description	Obligation	Assignment	Est Completion
City of Marina	FO2	Abrams	1,210,655	MARINA	2020-2021
City of Marina	FO5	8th Street	5,823,534	MARINA	2023-2024
FORA	FO6	Intergarrison	5,115,666	CO	2023-2024
FORA	FO7	Gigling	8,739,609	SEASIDE	2021-2022
FORA	FO9C	GJM Blvd	1,056,168	DEL REY OAKS	2018-2019
City of Marina	FO11	Salinas Ave	1,950,501	MARINA	2022-2023
FORA	FO12	Eucalyptus Road	518,360	SEASIDE	2023-2024
FORA	FO13B	Northeast-Southwest Corridor	19,208,225	CO	2024-2025
FORA	FO14	South Boundary Road Upgrade	7,470,820	DEL REY OAKS	2019-2020
Subtotal On-Site			\$ 51,093,537		

	ON-SITE AND OFF-SITE ROADS	ON-SITE AND OFF-SITE ROAD FORA CFD CONTRIBUTIONS PRIOR TO 2020	POST 2020 REMAINING FINANCIAL OBLIGATIONS	CFD POST 2020 (ENTITLED ONLY)	CFD POST 2020 (PROPOSED)
County	\$52,087,490	\$4,075,000	\$48,012,490	\$13,980,905	
CSUMB	0	0	0	0	0
Del Rey Oaks	\$8,526,988	\$8,526,988	\$0	\$42,370	\$20,032,700
Marina	\$13,349,304	\$1,500,000	\$11,849,304	\$55,333,761	
Monterey					\$192,946
Seaside	\$9,257,969	\$1,240,000	\$8,017,969	\$2,670,964	\$26,988,138
UC Mbest					\$7,966,189
Totals	\$83,221,751	\$15,341,988	\$67,879,763	\$72,028,000	\$55,179,973

1. Who completes FORA lead agency improvements?
 - South Boundary Road Upgrade
 - Intergarrison Road
 - GJM Blvd.
 - NE-SW Corridor
 - Gigling
 - Eucalyptus Road
2. What is the schedule for FORA lead project completion?
3. What is the schedule for FORA Network completion?
4. How do we ensure Fort Ord Zone network obligations are met and monitored/reassessed?
5. How do we ensure network obligations are funded equitably?
6. How do we handle cost overruns from MEC unknowns?

1. The Transportation liabilities/obligations are assigned as identified in the attached spreadsheet;
2. Upon termination of FORA, FORA's regional monetary obligations are transferred to TAMC and funded by TAMC's fee structure;
3. FORA off-site reimbursement obligations are transferred to the jurisdiction where the project is located;
4. FORA lead agency improvements are transferred to the jurisdiction where the project is located ; and
5. Jurisdictions create their own financing districts to pay for their own projects and deposit funds into escrow account to complete/share revenue for projects.

FORA WATER/WASTEWATER



Water/Wastewater: Key Issues

1. How do you provide public representation of the Ord Community without the 1998 Facilities Agreement if no MCWD annexation prior to 2020?
2. How do adjustments to water allocation occur in order to ensure a fair and equitable allocation of water?
3. How do you define, approve, and pay for the Augmented Water project (a required CEQA mitigation in the BRP) currently in planning?
4. How do you ensure future water service and annexation of the entire Ord Community?
5. Should some future service areas be required to pay annexation fees? Should only new development pay capacity (i.e. augmented water supply) charges (or should the augmented water supply charge be shared on a base wide basis?)

1. The Water/Wastewater liabilities/obligations are assigned as identified in the attached spreadsheet;
2. The Implementation Agreement requirements that each land use jurisdictions must comply with the FORA water allocations is hereby assigned to MCWD;
3. MCWD be required to provide water service contracts to all FORA members who are not currently annexed into the MCWD territory;
4. MCWD required to annex all former Fort Ord lands into its service area;
5. The Right of First Refusal in the Army Memorandum of Agreement with FORA shall be assigned to those land use jurisdictions with unentitled future development: Seaside, Del Rey Oaks and City of Monterey;
6. Augmented water project activities not completed or funded by June 30, 2020 are assigned to MCWD; and
7. Alternatively, extend FORA in order to continue to raise revenues for augmented water, thus reducing the capacity fees shifted to new development.

MISCELLANEOUS CONTRACTS

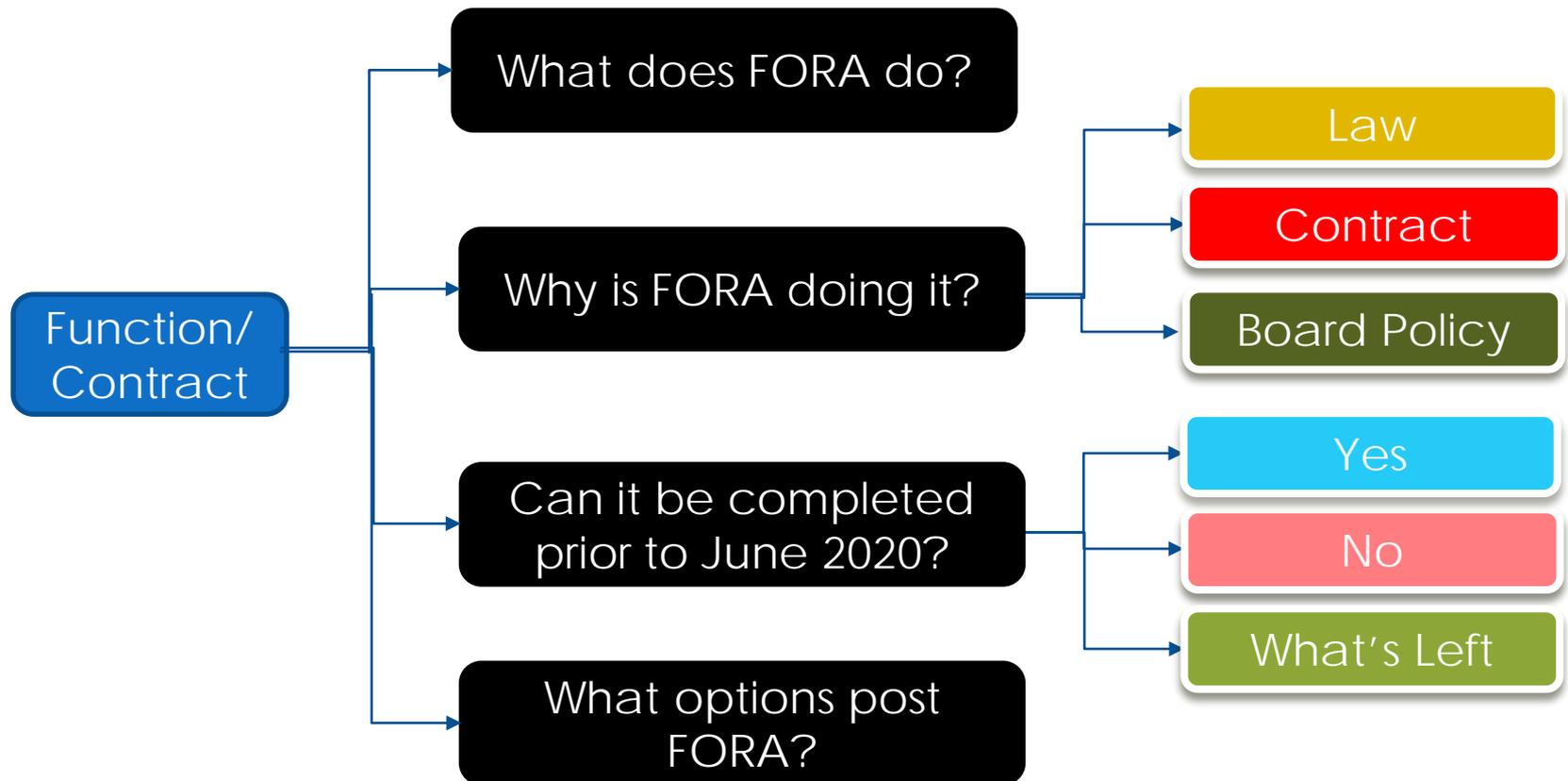


1. Who will be FORA's successor for purposes of monitoring Settlement Agreements/writ compliance?
2. Who will pay Litigation/Attorneys' fees and costs awarded subsequent to 6-30-2020?
3. What happens to pending litigation post- 2020?
4. Who manages pending litigation post 2020?



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

Building Removal: Function



Building Removal : Function Analysis

Analysis	What?	Building Removal: Basewide Costs
	Why?	Policy and contracts address some; but transition will leave individual jurisdictions with Building Removal
	Timing?	FORA portion to be completed prior to 2020; New Program would not be completed prior to 2020
	Options	<ol style="list-style-type: none">1. Do not change policy: remaining buildings become underlying jurisdiction problem; or2. Change policy: create a program to accelerate removal of all remaining buildings.

1. Should remaining FORA obligations for building removal be assigned to underlying jurisdictions?
2. Should additional building removal be undertaken by FORA Board (Revise existing policy and designate additional building removal as basewide costs) to reduce future burden on underlying jurisdictions? If yes, should the FORA Act be recommended for extension as a part of the Transition Plan to enable program to finance accelerated building removal and/or staff directed to bring back such a program with Transition Plan recommendations?

Please limit your comments to the following subject matter chapters:

1. Transportation
2. Water/Wastewater
3. Miscellaneous
4. Building Removal





Please provide questions and comments on the Transition Plan to the email address below:

planning@fora.org

