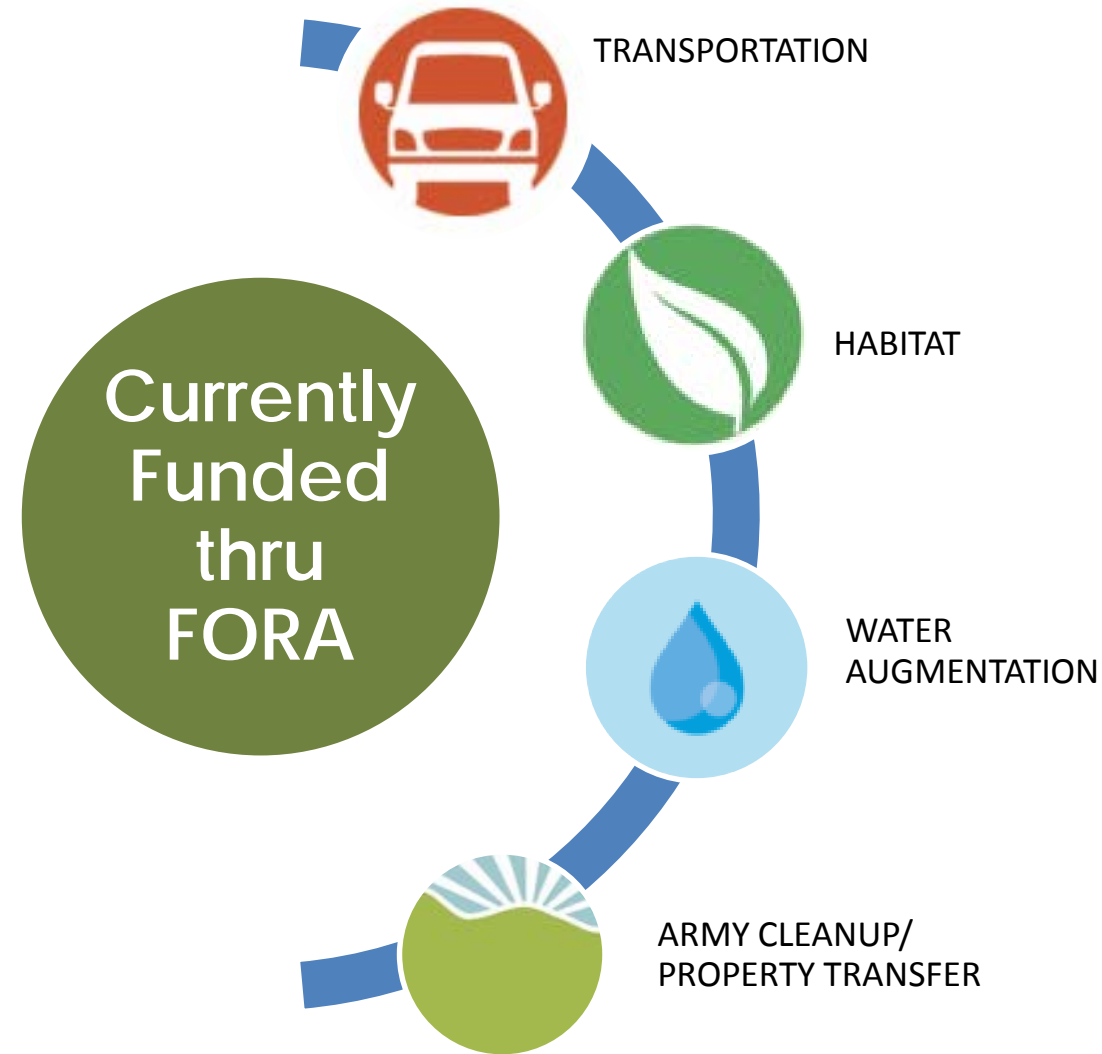


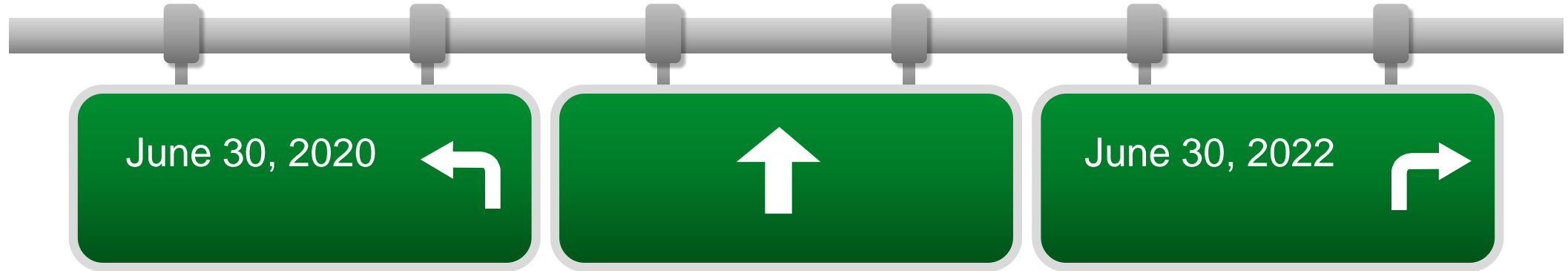
Path to Implementation



FORA Functions



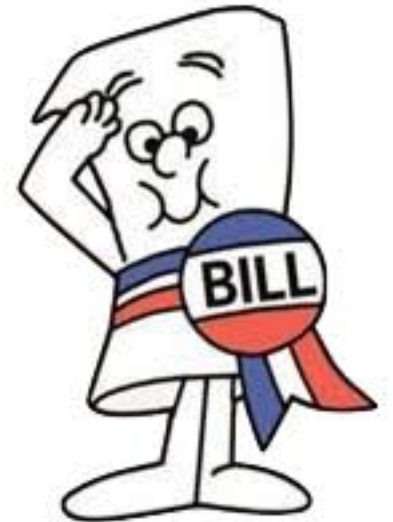
Potential FORA Off-Ramps



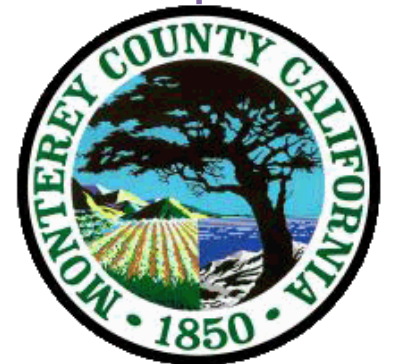
Current Sunset for FORA

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SB 189



Implementing Agreements



Implementing Agreements

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 Jurisdictions 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.

Implementing Agreements

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; and
- (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.

Ex-officio members may include:

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

Implementing Agreements

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 described below (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.

Implementing Agreements

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 funded 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)

Implementing Agreements

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 TAMC as mitigation for impacts to regional roads.

Implementing Agreements

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 between long term management of the Habitat Management Areas (HMA) and incidental take permits for future development.

Implementing Agreements

Section 7

Ordnance.

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.

Implementing Agreements

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 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.

Implementing Agreements

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.

Implementing Agreements



Implementing Agreements: Water



Implementing Agreements: ESCA - August



August



Implementing Agreements

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	

Implementing Agreements

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</p>	August 9	September 13
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Implementing Agreements

EDC Successor	RGS		Addressed in Implementing Agreements.	July 12	August 9	
LRA Successor	RGS		Addressed in Implementing Agreements.	July 12	August 9	

Implementing Agreements

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		
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Implementing Agreements

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

Implementing Agreements

LAFCO Liability and Risk	FORA LAFCO					
South Boundary Road Project	FORA					
Gen Jim Completion	FORA					

Implementing Agreements

Review of
remaining
fiscal
agreements
through
August 2019

100	Army-FORA Water Quitclaim Deed- Veteran's Cemetery		http://b77.402.myftpupload.com/wp-content/uploads/Army-FORA_VTC_Water_Agreement-Recorded.pdf
101	FORA-City of Marina Quitclaim Deed		http://b77.402.myftpupload.com/wp-content/uploads/FORA-Marina_Water_Agreement022318.pdf
102	Stipulation to Discharge Peremptory Writ of Mandate (CSUMB)	2009	http://fora.org/Reports/TTF/091409_Report_Stipulation-to-Discharge.pdf
103	Settlement Agreement and Mutual Release (Sierra Club)	1998	http://www.fora.org/Planning/113098_SierraClub_Agreement.PDF
104	PENDING LAWSUITS		
105	MCP v. FORA, Monterey County Superior Court	2017	N/A
106	KFOW v. FORA, Monterey Superior Court	2017	N/A
107	County, FORA, East Garrison Partners MOA on Basewide Funding Obligations	2006	http://b77.402.myftpupload.com/wp-content/uploads/FORA-MCRDA-EastGarrison_Obligations_MOA_022806.pdf
108	FORA-Seaside-County-VCF Cemetery Land Sale Agreement	2012	http://b77.402.myftpupload.com/wp-content/uploads/012812_MOU_VeteransCemetery_Land_Sale.pdf
109	FORA-Seaside-County-VCF Cemetery Land Sale Agreement: Exhibit 1	2012	http://b77.402.myftpupload.com/wp-content/uploads/012812_MOU_VeteransCemetery_Land_SaleExhibit1.pdf
110	FORA-Seaside-County-VCF Cemetery Land Sale Agreement: Exhibit 2	2012	http://b77.402.myftpupload.com/wp-content/uploads/012812_MOU_VeteransCemetery_Land_SaleExhibit2.pdf
111	FORA MCP LLC Reimbursement Agreement	2006	http://b77.402.myftpupload.com/wp-content/uploads/Fully_signed_ESCA_Grant_Amendment_12-20-17.pdf
112	MOA Concerning Base-wide Obligations	2006	http://b77.402.myftpupload.com/wp-content/uploads/MOA_MoCo-FORA-EG-Partners-LLC_Basewide-Funding-Obligations-signed2.28.06.pdf
113	MOU County, Seaside CCVC Foundation on CCCVC Planning	2012	http://b77.402.myftpupload.com/wp-content/uploads/012812-MOU-VetsCem-signed.pdf

Path to Implementation

