



FORT ORD REUSE AUTHORITY

REGULAR MEETING

FORT ORD REUSE AUTHORITY (FORA) LEGISLATIVE COMMITTEE

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

Thursday, April 20, 2017 at 2:00 p.m.

AGENDA

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

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

5. APPROVAL OF MEETING MINUTES ACTION
 - a. October 31, 2016 Regular Meeting Minutes
6. REPORTS FROM LEGISLATIVE OFFICES INFORMATION
 - a. 20th U.S. Congressional District – Kathleen Lee
 - b. 17th State Senate District – Nicole Charles
 - c. 29th State Assembly District – Erica Parker
7. BUSINESS ITEMS
 - a. Review 2017 Annual Fort Ord Reuse Authority Legislative Agenda INFORMATION
 - b. Report on Proposed Positions on State Legislation ACTION
 - c. 2017 Federal and State Legislative Missions INFORMATION/ACTION
 - d. FORA 2017 Legislative Session INFORMATION/ACTION
 - e. FORA Transition Legislative Update INFORMATION
8. ITEMS FROM MEMBERS
9. ADJOURNMENT

NEXT MEETING: TBD

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FORT ORD REUSE AUTHORITY (FORA)

LEGISLATIVE COMMITTEE MEETING MINUTES

2:30 p.m., Monday, October 31 2016
920 2nd Avenue, Suite A, Marina CA 93933

1. CALL TO ORDER

Mayor Jerry Edelen called the meeting to order at 2:33 p.m.

Voting Members Present:

Chair/Supervisor Potter (Monterey County)
Mayor Rubio (City of Seaside)
Mayor Pro-Tem O'Connell (City of Marina)
Mayor Edelen (City of Del Rey Oaks)

Voting Members Absent:

Mayor Pendergrass (City of Sand City)

2. PLEDGE OF ALLEGIANCE

Pledge of allegiance was led by Mayor Edelen.

3. ACKNOWLEDGMENTS, ANNOUNCEMENTS AND CORRESPONDENCE

Michael Houlemard, Executive Officer, announced the upcoming Prevailing Wage training to be held on November 1, 2016.

4. PUBLIC COMMENT PERIOD

There were no verbal comments received from the public.

5. APPROVAL OF MEETING MINUTES

- a. May 4, 2016 Legislative Committee Minutes

At the time the item was presented, a quorum had yet to be established. There was no action taken on this item.

6. BUSINESS ITEMS

- a. 2017 Annual Fort Ord Reuse Authority Legislative Agenda
Mr. Houlemard reviewed the FORA Legislative Agenda. The committee provided comments and staff answered questions regarding the details of the legislative agenda. At the time the item was presented, a quorum had yet to be established. There was no action taken on this item.
- b. Report on Fort Ord Reuse Authority Transition Planning and Update on Transition Task Force

Steve Endsley, Assistant Executive Officer and Sheri Damon, Prevailing Wage/Risk Coordinator presented the item. Staff provided a status overview that included the proposed recommendation for legislative extension through 2030, details of the CEQA mitigations, the post FORA CIP obligations and scenario analysis. The committee discussed the transition plan as presented, provided comments and staff answered questions.

7. ITEMS FROM MEMBERS

There were no items from members.

8. PUBLIC COMMENT PERIOD

The Committee received public comment.

9. ADJOURNMENT

Chair Potter adjourned the meeting at 3:40 p.m.

DRAFT



Fort Ord Reuse Authority 2017 LEGISLATIVE AGENDA

This report outlines the 2017 Fort Ord Reuse Authority (FORA) legislative program and tasks. The FORA 2017 Legislative Agenda defines Board policy, sets legislative, regulatory, or federal/state resource allocation/direction, and supports the 1997 Base Reuse Plan's (BRP) and the 2012 BRP Reassessment Report guidance for replacing former Fort Ord military regional economic contributions with comparable level civilian activity/programs. The Legislative Agenda is meant to assist state and federal agencies/legislative offices regarding property transfer, economic recovery/reuse, environmental remediation, habitat management/conservation, and infrastructure and mitigation funding. The order in which the tasks are presented herein does not imply ranking or priority. Each item is considered a "priority" in achieving FORA's objectives.

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

Issue:

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

Benefits:

HCP approval both protects valuable habitat and enables effective regional job and housing creation.

Challenges:

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

Proposed Position:

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

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

Issue:

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

Benefits:

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

Challenges:

1. Obtaining agreement to use tax or special district funds to create special financing districts to support targeted economic recovery, affordable housing and/or infrastructure in the climate of limited resources.
2. State funding sources remain unclear.

Proposed Position:

Support legislation, activating local agency processes for economic development.

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

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

Issue:

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

Plan.

Benefits:

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

Challenges:

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

Proposed Position:

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

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

Issue:

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

Benefits:

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

Challenges:

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

Proposed Position:

- Continue to work with MCWD to enable them to fulfill their contractual obligation to FORA for water resource augmentation.
- Support and coordinate efforts with MCWD, Monterey County Water Resources Agency, Monterey Regional Water Pollution Control Agency, other agencies, and FORA jurisdictions to secure funding and/or support other funding mechanisms proposed for this purpose.

- Coordinate potential water bond funding for Monterey Bay region and FORA augmentation needs.
- Coordinate with the Department of Defense to acquire additional water rights that might become available.

E. LEGISLATIVE COOPERATION WITH MONTEREY BAY AGENCY LEGISLATIVE ISSUES.

Issue:

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

Benefits:

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

Challenges:

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

Proposed Position:

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

F. ASSURING LONG TERM STEWARDSHIP OF MUNITIONS CLEANUP AREAS.

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

Issue:

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

Benefits:

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

Challenges:

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

Proposed Position:

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

G. LEGISLATIVE COORDINATION REGARDING FORA TRANSITION ISSUES

Issue:

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

Benefits:

Collaborative efforts will assure effective transition decisions or potential legislative extension prior to 2020 sunset or possible legislative extension.

Challenges:

State law requirements, contractual obligations, and inter-agency agreements will require intensive legislative multi-agency negotiations. One of FORA's funding mechanisms (Mello Roos/Community Facilities District/developer fee) is not within LAFCO's jurisdiction and terminates upon FORA dissolution. Replacement funding processes may have a lengthy implementation timeline.

Proposed Position:

- Coordinate and seek support from State Legislature (17th State Senate District and 29th State Assembly District) to assure post-FORA funding for jurisdictions following FORA's sunset on June 30, 2020 in compliance with Title 7.85 of the Government Code entitled Fort Ord Reuse Authority Act and the pursuit of a reasonable FORA extension not beyond June 30, 2037.

H. PREVAILING WAGES COORDINATION

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

Issue:

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

Benefits:

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

Challenges:

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

Proposed Position:

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

I. **PUBLIC SAFETY OFFICER TRAINING.** Work with the County of Monterey to assist Monterey Peninsula College (MPC) to obtain capital and program funding for its former Fort Ord Public Safety Officer Training Programs.

Issue:

FORA/County agreed to assist MPC in securing program funds in 2003.

Benefits:

The Public Safety Officer Training Program is an important component of MPC's Fort Ord reuse efforts and enhances public safety training at the regional and state levels. Adequate funding is critical.

Challenges:

Funds available through the Office of Homeland Security, the Office of Emergency Services, or other sources may be restricted. MPC has begun interim program efforts but is yet to accept the property for the permanent former Fort Ord facilities.

Proposed Position:

- Pursue legislative or other actions to support MPC efforts to secure funding sources.

FORA Thursday, April 20, 2017

[AB 18](#) ([Garcia, Eduardo](#) D) **California Clean Water, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.**

Introduced: 12/5/2016 **Last Amended:** 2/23/2017 **Summary:** Would enact the California Clean Water, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, which, if approved by the voters, would authorize the issuance of bonds in an amount of \$3,105,000,000 pursuant to the State General Obligation Bond Law to finance a clean water, climate, coastal protection, and outdoor access for all program. This bill contains other related provisions.

Position: Support

[AB 30](#) ([Caballero](#) D) **Environmental quality: judicial review: strip mall conversion housing projects.**

Introduced: 12/5/2016 **Last Amended:** 4/3/2017 **Summary:** CEQA requires that an action or proceeding to attack, review, set aside, void or annul a determination, finding, or decision of a public agency, as provided, on the grounds of noncompliance with its provisions be brought in accordance with specified law governing administrative mandamus. CEQA requires a court to make specified orders if it finds that any determination, finding, or decision of a public agency has been made without compliance with CEQA, but prohibits a court from enjoining certain projects unless the court makes specified findings. This bill would similarly prohibit a court from enjoining a qualified strip mall conversion housing projects, as defined, unless the court makes specified findings.

Position: Support

[AB 59](#) ([Thurmond](#) D) **Local Housing Trust Fund Matching Grant Program.**

Introduced: 12/7/2016 **Summary:** Under the Local Housing Trust Fund Matching Grant Program, the department is authorized to make matching grants available to cities, counties, cities and counties, and existing charitable nonprofit organizations that have created, funded, and operated housing trust funds. This bill would recast these provisions to instead authorize the department to make grants to eligible recipients, defined as cities that meet specified criteria and charitable nonprofit organizations organized under certain provisions of the Internal Revenue Code that apply jointly with a qualifying city, that have created or are operating or will operate housing trust funds.

Position: Watch

[AB 71](#) ([Chiu](#) D) **Income taxes: credits: low-income housing: farmworker housing.**

Introduced: 12/16/2016 **Last Amended:** 3/2/2017 **Summary:** Would, under the law governing the taxation of insurers, the Personal Income Tax Law, and the Corporation Tax Law, for calendar years beginning in 2018, increase the aggregate housing credit dollar amount that may be allocated among low-income housing projects to \$300,000,000, as specified, and would allocate to farmworker housing projects \$25,000,000 per year of that amount. The bill would delete that special needs exception and authorization to request state credits provided the applicant is not requesting a 130% basis adjustment for purposes of the federal credit amount.

Position: Support

[AB 73](#) ([Chiu](#) D) **Planning and zoning: housing sustainability districts.**

Introduced: 12/16/2016 **Last Amended:** 3/28/2017 **Summary:** Would authorize a city, county, or city and county, including a charter city, charter county, or charter city and county, to establish by ordinance a housing sustainability district that meets specified requirements, including authorizing residential use within the district through the ministerial issuance of a permit. The bill would authorize the city, county, or city and county to apply to the Office of Planning and Research for approval for a zoning incentive payment and require the city, county, or city and county to provide specified information about the proposed housing sustainability district ordinance.

Position: Watch

[AB 190](#) ([Steinorth](#) R) Local government: development permits: design review.

Introduced: 1/19/2017 **Last Amended:** 3/27/2017 **Summary:** Would require a lead agency, where an ordinance requiring design review applies to a development project, to approve or disapprove the design of the development project within 30 days of the application being determined to be complete, as specified. The bill would provide, that if the lead agency has not approved or disapproved the design of the development project within that 30-day period, the project is deemed to be approved on the 31st day.

Position: Watch

[AB 455](#) ([Voepel](#) R) Veterans buildings, memorials, and cemeteries.

Introduced: 2/13/2017 **Summary:** Current law authorizes the establishment and operation of memorial districts to provide and maintain memorial halls, assembly halls, buildings, or meeting places for the use of veteran soldiers, sailors, and marines who have honorably served the United States in any wars or campaigns, or for the use of patriotic, fraternal, or benevolent associations of those persons, as specified. This bill would state the intent of the Legislature to enact legislation relating to the building of veterans memorials, buildings, and cemeteries.

Position: Support

[AB 577](#) ([Caballero](#) D) Disadvantaged communities.

Introduced: 2/14/2017 **Last Amended:** 3/9/2017 **Summary:** Current law defines a disadvantaged community as a community with an annual median household income that is less than 80% of the statewide annual median household income for various purposes, that include, but are not limited to, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, eligibility for certain entities to apply for funds from the State Water Pollution Cleanup and Abatement Account, and authorization for a community revitalization and investment authority to carry out a community revitalization plan. This bill would expand the definition of a disadvantaged community to include a community with an annual per capita income that is less than 80% of the statewide annual per capita income.

Position: Support

[AB 696](#) ([Caballero](#) D) Department of Transportation: Prunedale Bypass: County of Monterey: disposition of excess properties.

Introduced: 2/15/2017 **Summary:** Would require the net proceeds from the sale of any excess properties originally acquired for a replacement alignment for State Highway Route 101 in the County of Monterey, known as the former Prunedale Bypass, to be reserved in the State Highway Account for programming and allocation by the commission, with the concurrence of the Transportation Agency for Monterey County, for other state highway projects in the State Highway Route 101 corridor in that county. The bill would exempt these funds from the distribution formulas otherwise applicable to transportation capital improvement funds.

Position: Support

[SB 2](#) ([Atkins](#) D) Building Homes and Jobs Act.

Introduced: 12/5/2016 **Last Amended:** 3/23/2017 **Summary:** Would enact the Building Homes and Jobs Act. The bill would make legislative findings and declarations relating to the need for establishing permanent, ongoing sources of funding dedicated to affordable housing development. The bill would impose a fee, except as provided, of \$75 to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, per each single transaction per single parcel of real property, not to exceed \$225.

Position: Support

[SB 3](#) ([Beall](#) D) Affordable Housing Bond Act of 2018.

Introduced: 12/5/2016 **Last Amended:** 3/28/2017 **Summary:** Would enact the Affordable Housing Bond Act of 2018, which, if adopted, would authorize the issuance of bonds in the amount of \$3,000,000,000 pursuant to the State General Obligation Bond Law. Proceeds from the sale of these bonds would be used to finance various existing housing programs, as well as infill infrastructure financing and affordable housing matching grant programs, as provided.

Position: Support

[SB 5](#) ([De León](#) D) California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.

Introduced: 12/5/2016 **Last Amended:** 3/28/2017 **Summary:** Would enact the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, which, if approved by the voters, would authorize the issuance of bonds in an amount of \$3,000,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program.

Position: Support

[SB 35](#) ([Wiener](#) D) Planning and zoning: affordable housing: streamlined approval process.

Introduced: 12/5/2016 **Last Amended:** 4/4/2017 **Summary:** The Planning and Zoning Law requires a planning agency, after a legislative body has adopted all or part of a general plan, to provide an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on the status of the general plan and progress in meeting the community's share of regional housing needs. This bill would require the planning agency to include in its annual report specified information regarding units of housing, including rental housing and housing designated for homeownership, that have secured all approvals from the local government and special districts needed to qualify for a building permit.

Position: Watch

[SB 62](#) ([Jackson](#) D) Affordable Senior Housing Act of 2017.

Introduced: 12/22/2016 **Last Amended:** 3/20/2017 **Summary:** Would enact the Affordable Senior Housing Act of 2017, which would establish the Affordable Senior Housing Program within GO-Biz, as part of the Economic Revitalization Act. The bill would declare that the purpose of this program is to guide and serve as a catalyst for the development of affordable senior housing dwelling units within this state and would require the director of GO-Biz to undertake various actions in implementing this program.

Position: Watch

[SB 231](#) ([Hertzberg](#) D) Local government: fees and charges.

Introduced: 2/2/2017 **Summary:** Articles XIIC and XIID of the California Constitution generally require that assessments, fees, and charges be submitted to property owners for approval or rejection after the provision of written notice and the holding of a public hearing. Current law, the Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local jurisdictions to comply with Articles XIIC and XIID of the California Constitution and defines terms for these purposes. This bill would define the term "sewer" for these purposes. The bill would also make findings and declarations relating to the definition of the term "sewer" for these purposes.

Position: Support

Total Measures: 15
Total Tracking Forms: 15