



FORT ORD REUSE AUTHORITY

REGULAR MEETING

FORT ORD REUSE AUTHORITY (FORA) BOARD OF DIRECTORS

Thursday, March 12, 2020 at 2:00 p.m. | 910 2nd Avenue, Marina, CA 93933 (Carpenters Union Hall)

AGENDA

ALL ARE ENCOURAGED TO SUBMIT QUESTIONS/CONCERNS BY NOON MARCH 11, 2020.

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): Resource Environmental, Inc v. Fort Ord Reuse Authority. Monterey County Superior Court Case No.: 19CV004499, Pending Litigation
- b. Conference with Legal Counsel—Gov. Code §54956.9(a), (d)(1): Fort Ord Reuse Authority v. All Persons Interested in the Matter of the Issuance and Sale of Bonds by the Fort Ord Reuse Authority and the Tax Increment Revenue Pledged To, and to be Used for, the Repayment of Such Bonds. Monterey County Superior Court Case No.: 20CV000381, Pending Litigation
- c. Conference with Legal Counsel – Gov. Code §54956.9(d)(2): Anticipated Litigation, Significant Exposure to Litigation, one potential case
- d. Conference with Legal Counsel – Gov. Code §54956.9(a), (d)(1): Resource Environmental, Inc. v. Fort Ord Reuse Authority. Monterey County Superior Court Case No.: 20CV000771, Pending Litigation

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 February 13, 2020 Meeting Minutes [\(p.1\)](#)
Recommendation: Approve February 13, 2020 Meeting Minutes.
- b. Approve February 13, 2020 Special Meeting Minutes [\(p.4\)](#)
Recommendation: Approve February 13, 2020 Special Meeting Minutes
- c. Administrative Committee [\(p. 7\)](#)
Recommendation: Receive a report from the Administrative Committee.
- d. Veterans Issues Advisory Committee [\(p. 13\)](#)
Recommendation: Receive a report from the Veterans Issues Advisory Committee.
- e. Habitat Working Group Ad-Hoc Committee [\(p.21\)](#)
Recommendation: Receive a report from the Habitat Working Group Ad-Hoc Committee.

f. Finance Committee (p. 30)

Recommendation: Receive a report from the Finance Committee.

g. Reassignment of Escrow Holding Company – South Boundary Road Project (p. 33)

Recommendation:

1. Approve Executive Officer to reassign escrow holding company from National Builders Control, Inc. to Fidelity National Title, Inc. for the two escrow accounts to fund construction of projects FO14 South Boundary Road Upgrade (\$5,000,000) and FO9C General Jim Moore Boulevard/South Boundary Road Intersection (\$1,056,168) post June 30, 2020 as approved by the FORA Board on May 10, 2019.
2. Approve Term Sheet modifications reflecting name change as approved by FORA Board on May 10, 2019.
3. Authorize Executive Officer to transfer remaining South Boundary Road Upgrade funds (\$2,269,813) as approved in the 2019-20 CIP to the South Boundary Road Escrow Account after the 2019-20 FORA Mid-Year Budget has been approved.

h. Transition Process Update (p. 39)

Recommendation: Receive transition process status report.

i. Public Correspondence to the Board (p. 46)

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. Habitat Conservation Plan (“HCP”) / Environmental Impact Report (“EIR”) Options **2nd Vote**

Recommendation:

- i. Receive a report on factors affecting Board HCP/EIR considerations.
- ii. Provide direction to the Executive Officer on HCP/EIR next steps (p. 47)

b. 2018 Transition Plan Proposed Amendments

Recommendation: Review staff recommendations for proposed amendments to the 2018 Transition Plan and provide comments/direction for future revisions. (p. 51)

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 SPECIAL MEETING: Friday, March 20, 2020 AT 1:00 P.M.

NEXT REGULAR MEETING: Thursday, April 9, 2020 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 Media Productions 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



FORT ORD REUSE AUTHORITY
BOARD OF DIRECTORS REGULAR MEETING MINUTES
2:00 p.m., Thursday, February 13, 2020 | Carpenters Union Hall
910 2nd Avenue, Marina, CA 93933

1. CALL TO ORDER

Chair Supervisor Jane Parker called the meeting to order at 2:03 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City of Marina Mayor Pro-Tem Gail Morton.

3. CLOSED SESSION

- a. Conference with Legal Counsel—Gov. Code §54956.9(a), (d)(1): Resource Environmental, Inc v. Fort Ord Reuse Authority. Monterey County Superior Court Case No.: 19CV004499, Pending Litigation
- b. Conference with Legal Counsel—Gov. Code §54956.9(a), (d)(1): Fort Ord Reuse Authority v. All Persons Interested in the Matter of the Issuance and Sale of Bonds by the Fort Ord Reuse Authority and the Tax Increment Revenue Pledged To, and to be Used for, the Repayment of Such Bonds. Monterey County Superior Court Case No.: 20CV000381, Pending Litigation
- c. Conference with Legal Counsel –, Gov. Code §54956.9(d)(2): Anticipated Litigation, Significant Exposure to Litigation, one potential case

Time Entered: 2:06 p.m.

Time Exited: 2:41 p.m.

4. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

The Board received an update from Counsel; nothing to report.

5. ACKNOWLEDGMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

Executive Officer Joshua Metz made the following announcements:

- The Monterey Bay Economic Partnership 6th Annual Economic Summit will be held on April 29, 2020 at the Cocconut Grove in Santa Cruz.
- The Monterey Bay Drone Automation & Robotics Technology Symposium will take place on June 25-26, 2020 at the CSUMB University Center.
- Two items of correspondence to the Board were received: One letter from LandWatch Monterey County addressing concerns regarding the Habitat Conservation Plan (“HCP”) and Environmental Impact Report (“EIR”) process; and one letter from Wellington Law Offices addressing City of Marina’s concerns regarding the January 10, 2020 Environmental Services Cooperative Agreement (“ESCA”)/Economic Development Conveyance (“EDC”) item and motion procedure.

6. ROLL CALL

Voting Members Present:

Supervisor Jane Parker (County of Monterey), Supervisor John Phillips (County of Monterey), Supervisor Mary Adams (County of Monterey), Councilmember John Gaglioti (City of Del Rey Oaks), Councilmember Frank O’Connell (City of Marina), Mayor Pro-Tem Gail Morton (City of Marina), Councilmember Alan Haffa (City of Monterey), Mayor Ian Oglesby (City of Seaside), Councilmember Jon Wizard (City of Seaside),

Councilmember Steve McShane (City of Salinas), Councilmember Jan Reimers (City of Carmel-by-the-Sea), Councilmember Cynthia Garfield (City of Pacific Grove), Mayor Mary Ann Carbone (City of Sand City)

Ex-officio (Non-Voting) Board Members Present:

Kathleen Lee (20th Congressional District), Erica Parker (29th State Assembly District), Todd Muck (TAMC), Dr. P.K. Diffenbaugh (Monterey Peninsula Unified School District), Steve Matarazzo (University of California, Santa Cruz), Lawrence Samuels (California State University Monterey Bay), Jim Laughlin (United States Army), Bill Collins (BRAC), Lisa Rheinheimer (Monterey-Salinas Transit), Keith Van Der Maaten (Marina Coast Water District)

7. CONSENT AGENDA

- a. Approve January 10, 2020 Meeting Minutes
- b. Administrative Committee
- c. Veterans Advisory Committee
- d. Habitat Working Group Ad-Hoc Committee
- e. Execution of Adoption Agreement
- f. Public Correspondence to the Board

**Director Adams requested item 7b be pulled for clarification. Staff responded to questions.*

MOTION: On motion by Board member Haffa, seconded by Board member Gaglioti and carried by the following vote, the Board moved to approve the consent agenda.

MOTION PASSED UNANIMOUSLY

8. BUSINESS ITEMS

a. 2018 Transition Plan Implementation 2nd Vote

**Chair Parker noted item 8a was pulled from the Regular Board Meeting, and heard during the February 13, 2020 Special Board Meeting.*

**The Regular Board meeting recessed at 2:49 p.m. and reconvened at 4:14 p.m.*

b. Draft Transition Plan Implementing Agreement (“TPIA”) Review

Regional Government Services consultant Kendall Flint provided a brief draft TPIA update, noting the March 30, 2020 deadline for jurisdictions’ comments. A final draft TPIA will be presented to the Board and various councils for adoption prior to FORA’s June 30, 2020 dissolution date.

c. Review Building Removal Bond Status

Executive Officer Joshua Metz provided an update regarding building removal bond issuance, noting the validation action comment period will remain open until March 9, 2020. Staff and Economic Planning Systems consultants continue to coordinate with affected jurisdictions and the Monterey County Regional Fire District to address revenue loss issues.

d. Consultant Services Contract Amendments

Mr. Metz reviewed consultant services contract amendments required to complete certification of the EIR for the HCP and Executive Officer support. The Board was provided a summary of proposed contract amendments with consultants Denise Duffy & Associates, Holland & Knight, ICF Jones & Stokes, and Regional Government Services. A total of \$307,722 in consultant contract amendments was proposed; Not-to-exceed (“NTE”) \$83,310 proposed for approval and \$199,412 proposed to postpone for Board approval at a future meeting. Staff and consultants responded to questions from Board members and public.

MOTION: On motion by Board member Morton and seconded by Board member O’Connell and carried by the following vote, the Board moved to direct the Executive Officer to approve contract amendments for Denise Duffy & Associates NTE \$53,310, and Regional Government Services NTE \$30,000, as described in the staff report, in support of the Habitat Working Group Ad-Hoc Committee and the Executive Officer.

MOTION PASSED UNANIMOUSLY

e. Special Board Meeting Schedule

Mr. Metz presented a proposed Special Board Meeting Schedule. Staff recommended scheduling a second Board meeting each month, subject to cancellation if determined unnecessary, in order to meet FORA’s goals prior to its June 30, 2020 dissolution. Special Board Meetings were proposed for the third Friday of the month from 1:00 p.m.- 3:00 p.m. and Mr. Metz provided an overview of proposed agenda topics for each meeting. Staff responded to comments from Board members and public.

MOTION: On motion by Board member Morton and seconded by Board member O’Connell and carried by the following vote, the Board moved to approve the proposed schedule for additional special Board meetings for the third Friday of the month from 1:00 p.m.-3:00 p.m.

MOTION PASSED UNANIMOUSLY

9. PUBLIC COMMENT

Public comment was received.

10. ITEMS FROM MEMBERS

None.

11. ADJOURNMENT at 4:54 p.m.

Minutes Prepared by:
Natalie Van Fleet
Administrative Assistant

Approved by:

Joshua Metz Executive Officer



FORT ORD REUSE AUTHORITY
BOARD OF DIRECTORS SPECIAL MEETING MINUTES
2:30 p.m., Thursday, February 13, 2020 | Carpenters Union Hall
910 2nd Avenue, Marina, CA 93933

1. CALL TO ORDER

Chair Supervisor Jane Parker called the meeting to order at 2:49 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City of Marina Mayor Pro-Tem Gail Morton at the February 13, 2020 Regular Board Meeting.

3. ACKNOWLEDGMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

None.

4. ROLL CALL

Voting Members Present:

Supervisor Jane Parker (County of Monterey), Supervisor John Phillips (County of Monterey), Supervisor Mary Adams (County of Monterey), Councilmember John Gaglioti (City of Del Rey Oaks), Councilmember Frank O'Connell (City of Marina), Mayor Pro-Tem Gail Morton (City of Marina), Councilmember Alan Haffa (City of Monterey), Mayor Ian Oglesby (City of Seaside), Councilmember Jon Wizard (City of Seaside), Councilmember Steve McShane (City of Salinas), Councilmember Jan Reimers (City of Carmel-by-the-Sea), Councilmember Cynthia Garfield (City of Pacific Grove), Mayor Mary Ann Carbone (City of Sand City)

Ex-officio (Non-Voting) Board Members Present:

Kathleen Lee (20th Congressional District), Erica Parker (29th State Assembly District), Todd Muck (TAMC), Dr. P.K. Diffenbaugh (Monterey Peninsula Unified School District), Steve Matarazzo (University of California, Santa Cruz), Lawrence Samuels (California State University Monterey Bay), Jim Laughlin (United States Army), Bill Collins (BRAC), Lisa Rheinheimer (Monterey-Salinas Transit), David Martin (Monterey Peninsula College), Keith Van Der Maaten (Marina Coast Water District)

5. BUSINESS ITEMS

a. Nomination of the City of Seaside as FORA Successor to Environmental Services Cooperative Agreement ("ESCA") and Local Reuse Authority ("LRA")/Economic Development Conveyance Agreement with U.S. Army

Executive Officer Joshua Metz introduced the item, noting that the Board of Supervisors and the Administrative Committee ("AC") met to review the proposed Agreement with jurisdictions and their legal counsels. The AC recommended the Board approve the City of Seaside as the Environmental Services Cooperative Agreement ("ESCA") Economic Development Conveyance ("EDC") Memorandum of Agreement/ Local Redevelopment Agency ("LRA") Successor-In-Interest. Regional Government Services consultant Kendall Flint provided in-depth background of the Agreement and reviewed all amendments section-by-section. Staff, counsel and consultants heard questions from Board members.

MOTION: On motion by Board member Morton and seconded by Board member O’Connell and carried by the following vote, the Board moved to approve the nomination of City of Seaside as FORA Successor to ESCA and LRA/EDC Agreement with U.S. Army with proposed amendments to sections 9 and 12.

SUB-MOTION: On motion by Board member Wizard and seconded by Board member Gaglioti and carried by the following vote, the Board moved to approve the nomination of City of Seaside as FORA Successor to ESCA and LRA/EDC Agreement with U.S. Army as presented in the staff recommendation.

Roll Call Vote: (10 AYES; 3 NOES) **Motion Passed by Majority – 2nd Vote Required**

<i>Item 5a: Motion</i>			
<i>Director Parker</i>	<i>NO</i>	<i>Director Reimers</i>	<i>AYE</i>
<i>Director McShane</i>	<i>AYE</i>	<i>Director Haffa</i>	<i>AYE</i>
<i>Director O’Connell</i>	<i>NO</i>	<i>Director Gaglioti</i>	<i>AYE</i>
<i>Director Morton</i>	<i>NO</i>	<i>Director Wizard</i>	<i>AYE</i>
<i>Director Adams</i>	<i>AYE</i>	<i>Director Oglesby</i>	<i>AYE</i>
<i>Director Phillips</i>	<i>AYE</i>	<i>Director Garfield</i>	<i>AYE</i>
<i>Director Carbone</i>	<i>AYE</i>		

b. 2018 Transition Plan Implementation 2nd Vote

Mr. Metz introduced the item and Authority Counsel reviewed the second vote. After discussion, Chair Parker called for the 2nd vote on the motion.

MOTION: On motion by Board member Morton and seconded by Board member O’Connell and carried by the following vote, the Board moved to continue the second vote on this item to the meeting when the second vote on item 5a will be taken.

**Director Morton withdrew the motion.*

Roll Call Vote: (2 AYES; 11 NOES) **Motion Failed**

2nd Vote			
<i>Item 5b: Motion</i>			
<i>Director Parker</i>	<i>NO</i>	<i>Director Reimers</i>	<i>NO</i>
<i>Director McShane</i>	<i>NO</i>	<i>Director Haffa</i>	<i>NO</i>
<i>Director O’Connell</i>	<i>AYE</i>	<i>Director Gaglioti</i>	<i>NO</i>
<i>Director Morton</i>	<i>AYE</i>	<i>Director Wizard</i>	<i>NO</i>
<i>Director Adams</i>	<i>NO</i>	<i>Director Oglesby</i>	<i>NO</i>
<i>Director Phillips</i>	<i>NO</i>	<i>Director Garfield</i>	<i>NO</i>
<i>Director Carbone</i>	<i>NO</i>		

c. PUBLIC COMMENT

Public comment was received.

d. ITEMS FROM MEMBERS

None.

e. ADJOURNMENT at 4:14 p.m.

Minutes Prepared by:
Natalie Van Fleet
Administrative Assistant

Approved by:

Joshua Metz Executive Officer

DRAFT

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Administrative Committee	
Meeting Date: March 12, 2020	INFORMATION/ACTION
Agenda Number: 7c	

RECOMMENDATION:

Receive a report from the Administrative Committee.

BACKGROUND/DISCUSSION:

The Administrative Committee held meetings on February 5 & 6, 2020 and February 19, 2020. The approved minutes for these meetings are provided as **Attachments A and B.**

FISCAL IMPACT:

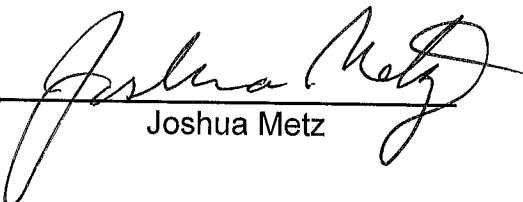
Reviewed by the FORA Controller 

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

COORDINATION:

Administrative Committee

Prepared by 
Natalie Van Fleet

Approved by 
Joshua Metz



FORT ORD REUSE AUTHORITY

ADMINISTRATIVE COMMITTEE MEETING MINUTES

8:30 a.m. Wednesday, February 5, 2020 and Continued to 10:30 a.m. Thursday, February 6, 2020
FORA Conference Room| 2nd Avenue, Suite A, Marina, CA 93933

1. CALL TO ORDER

Co-Chair Joshua Metz called the meeting to order at 8:32 a.m.

The following members were present:

- | | |
|------------------------------|---------------------------------------|
| Steve Matarazzo (UCMBEST) | Hans Uslar* (City of Monterey) |
| Layne Long* (City of Marina) | Melanie Beretti* (County of Monterey) |
| Mike Zeller (TAMC) | Craig Malin* (City of Seaside) |
| Patrick Breen (MCWD) | Dino Pick* (City of Del Rey Oaks) |
| Vicki Nakamura (MPC) | Michelle Overmeyer (MST) |
| Anya Spear (CSUMB) | *Voting Member |

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Carlos Urrutia of Carlos Urrutia Consulting.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

- Senior Program Manager Stan Cook announced the initial Environmental Services Cooperative Agreement (“ESCA”) Long Term Obligations Management meeting will be held immediately following the Administrative Committee meeting.
- Executive Officer Joshua Metz announced that the agencies must submit for reimbursement of caretaker costs by the end of May to receive payment by FORA’s dissolution date of June 30, 2020.
- Mr. Metz reported the Drone, Automation, & Robotics Technology (“DART”) Symposium will take place at CSUMB June 25-26, 2020. Visit www.montereybaydart.org for more information.

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.

No public comments were received.

5. APPROVAL OF MEETING MINUTES

ACTION

- a. January 15, 2020 Meeting Minutes

MOTION: On motion by Committee member Malin, seconded by Committee member Beretti and carried by the following vote, the Administrative Committee moved to approve the January 15, 2020 meeting minutes.

MOTION PASSED UNANIMOUSLY

**Chair Dino Pick requested in the interest of time the Administrative Committee hear Business Item 7a prior to the February 13, 2020 Board meeting agenda review if the committee has no objections.*

6. February 13, 2020 Board Meeting Agenda Review

a. Building Removal Bond Status

Mr. Metz reported building removal bond validation action was filed on January 28, 2020, initiating a 30-day review period during which agencies served may answer. An answer to the action could set in motion litigation which would significantly delay the bond issuance timeline. Mr. Metz noted Monterey County Regional Fire District (“MCRFD”) has submitted a email in response to the validation action, stating MCRFD will not support the bond issue until revenue loss issues are resolved. Economic Planning Systems, Inc. (“EPS”) consultants and staff are working with MCRFD to compile an in-depth fiscal analysis. Committee members discussed timeline issues and set a special Administrative Committee meeting for Monday, February 24, 2020 at 8:30 a.m. to focus on building removal bond documents.

b. Habitat Working Group (“HWG”) Update

Consultant contract amendments are necessary to provide support to HWG. The Board will be asked to vote to direct the Executive Officer to approve these contract amendments. Denise Duffy & Associates (“DDA”) consultant Erin Harwayne noted DDA’s contract amendments specifically relate to response to comments for Environmental Impact Report certification. Staff and consultants heard questions and comments from members.

c. Draft Transition Plan Implementing Agreement (“TPIA”) Review

Per the Committee’s request, this item was postponed for discussion at the February 19, 2020 regular Administrative Committee meeting. The Draft TPIA will be distributed to the Board of Directors at the February 13, 2020 meeting as an informational update.

7. BUSINESS

a. ESCA/LRA Update

Executive Officer Joshua Metz introduced the item and Regional Government Services (“RGS”) consultant Kendall Flint advised the Committee that she and Mr. Metz have met with representatives from member agencies to identify issues/concerns. Ms. Flint led the Committee members through a section-by-section review of the draft ESCA/LRA agreement, soliciting questions, comments or concerns. After a robust discussion among the Committee members it was suggested this item be further vetted amongst the Administrative Committee and their respective legal counsels in a continuance of the item on Thursday, February 6, 2020 at 10:30am. Staff and consultants responded to questions and comments from the Committee.

MOTION: On motion by Committee member Beretti, seconded by Committee member Pick and carried by the following vote, the Administrative Committee moved to continue discussion of item 7a; ESCA/LRA Update on February 6, 2020 at 10:30 a.m.

MOTION PASSED UNANIMOUSLY

The following members were present at the continued meeting on February 6, 2020:

Steve Matarazzo (UCMBEST)
Layne Long* (City of Marina)
*Voting Member

Hans Uslar* (City of Monterey)
Patrick Breen (MCWD)
Craig Malin* (City of Seaside)

The Administrative Committee reconvened to review in detail the clarifications made to the agreement in the following sections:

3.0 Insurance Policies;

8.4 No Obligation of other Entities;

9.0 Water Rights Allocations, Wastewater Discharge Rights; Creates No Land-use Authority, and language that Seaside shall not require payment of any sale or lease proceeds or revenues (or the equivalent use of property such as licenses, permits, concession agreements etc.) from other entities for the transfer of property, water rights, or wastewater discharge rights received from the Army pursuant to the Memorandum of Agreement and;

22. Third-Party Rights, updating the language.

Staff and consultants responded to questions and comments from the Committee.

MOTION: On motion by Committee member Malin, seconded by Committee member Uslar and carried by the following vote, the Administrative Committee moved to recommend approval of the draft ESCA/LRA Agreement as revised to the FORA Board of Directors, with one no vote by Committee member Long.

MOTION PASSED

8. ITEMS FROM MEMBERS

None.

9. ADJOURNMENT at 10:34 a.m.

Minutes Prepared By:

Heidi Gaddy
Deputy Clerk

Natalie Van Fleet
Administrative Assistant



FORT ORD REUSE AUTHORITY
ADMINISTRATIVE COMMITTEE MEETING MINUTES
8:30 a.m. Wednesday, February 19, 2020 | FORA Conference Room
 920nd Avenue, Suite A, Marina, CA 93933

1. CALL TO ORDER

Co-Chair Joshua Metz called the meeting to order at 8:33 a.m.

The following were present:

Steve Matarazzo (UCMBEST)
 Layne Long* (City of Marina)
 Anya Spear (CSUMB)
 Patrick Breen (MCWD)
 Vicki Nakamura (MPC)

Hans Uslar* (City of Monterey)
 Craig Malin* (City of Seaside)
 Nick Chiulos* (County of Monterey)
 Michelle Overmeyer (MST)
 Todd Muck (TAMC)
 *Voting Member

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Anya Spear.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

- Senior Program Manager Stan Cook announced the Department of Toxic Substances Control (“DTSC”) distributed an agreement to member jurisdictions to modify the original DTSC Memorandum of Agreement (“MOA”). To submit the executed MOA please contact Monterey County Health Department Assistant Bureau Chief Ric Encarnacion at encarnacionr@co.monterey.ca.us.
- Mr. Cook announced the Environmental Services Cooperative Agreement (“ESCA”) Long Term Obligation Management Program Meeting will take place on March 4, 2020 at 10:00 a.m. Police, planners, and property managers are encouraged to attend.
- Shea Homes developer Doug Yount announced that preparations have begun for removal of former Fort Ord buildings directly north of FORA’s office.

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.

No public comments were received.

5. APPROVAL OF MEETING MINUTES

ACTION

a. February 5 & 6, 2020 Meeting Minutes

MOTION: On motion by Committee member Malin, seconded by Committee member Uslar and carried by the following vote, the Administrative Committee moved to approve the February 5 & 6, 2020 minutes with proposed corrections.

MOTION PASSED UNANIMOUSLY

**Committee member Long stated the minutes had incorrectly recorded an abstention to approve the draft ESCA/Local Reuse Authority (“LRA”) Agreement. Member Long noted he had in fact voted no.*

MOTION: On motion by Committee member Uslar, seconded by Committee member Malin and carried by the following vote, the Administrative Committee moved to withdraw approval of the February 5 & 6, 2020 meeting minutes.

MOTION PASSED UNANIMOUSLY

**The February 5 & 6, 2020 minutes will be brought back with the proposed corrections for approval at the next Administrative Committee meeting.*

6. February 13, 2020 Board Meeting Follow-Up

Mr. Metz reviewed the items discussed at the February 13, 2020 Board meeting. He noted the Board approved ESCA/LRA Agreement Version 8 by majority and will bring it back for a second vote at the February 21, 2020 special Board meeting.

7. BUSINESS

a. Draft Transition Plan Implementing Agreement (“TPIA”) Review

Mr. Metz introduced the item and Regional Government Services (“RGS”) consultant Kendall Flint reviewed the draft TPIA section-by-section and heard questions and comments from the Committee. Ms. Flint noted staff is requesting written comments regarding the TPIA from agencies’ legal counsels by March 15, 2020 in order to incorporate suggested revisions into the final version. The Committee engaged in robust discussion and modified the following sections:

- 1.0; 2001 Implementation Agreements Superseded,
- 5.0; Records Retention and Management,
- 6.0; Communities Facilities District Revenues,
- 7.0; Outstanding Debt.

Section 3.0; Roadway Projects was removed from the Agreement in favor of a separate agreement between jurisdictions and developers. The Committee agreed to postpone discussion regarding section 2.0; Water Allocations and section 4.0; Habitat Management, to the March 4, 2020 regular Administrative Committee meeting.

8. ITEMS FROM MEMBERS

None.

9. ADJOURNMENT at 10:32 a.m.

Minutes Prepared By:

Natalie Van Fleet
Administrative Assistant

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Veterans Issues Advisory Committee	
Meeting Date: March 12, 2020	INFORMATION/ACTION
Agenda Number: 7d	

RECOMMENDATION:

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

BACKGROUND/DISCUSSION:

The VIAC met on January 23, 2020 and February 27, 2020. Approved minutes from October 24, 2019 and January 23, 2020 are attached.

FISCAL IMPACT:

Reviewed by FORA Controller 

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

COORDINATION:

VIAC

ATTACHMENTS:

- A. Approved October 24, 2019 Minutes
- B. Approved January 23, 2020 Minutes
- C. Post-FORA Fund Request Letter from VIAC Committee

Prepared by 
Natalie Van Fleet

Approved by 
Joshua Metz



APPROVED

**FORT ORD REUSE AUTHORITY
VETERANS ISSUES ADVISORY COMMITTEE (VIAC) MEETING MINUTES
3:00 P.M. October 24, 2019 | FORA Conference Room
920 2nd Avenue, Suite A, Marina CA 93933**

- 1. CALL TO ORDER:** Chair Ian Oglesby called the meeting to order at 3:07 P.M.

Committee Members Present:

Ian Oglesby, Seaside Mayor
Edith Johnsen, Veterans Families/Fundraising
James Bogan, Disabled American Veterans
Kai Yuan, US Army
Richard Garza, CCVC Foundation
Sid Williams, Monterey County Military and Veteran Advisory Commission
Jack Stewart, Fort Ord Veterans Cemetery Advisory Committee

- 2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by James Bogan.

- 3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE**

Assistant Executive Officer Josh Metz reported the Board is engaged in ongoing discussion regarding providing funds to the County of Monterey ("County") for ongoing support of the veterans community following FORA's dissolution.

- 4. PUBLIC COMMENT PERIOD**

There were no comments from the public.

- 5. APPROVAL OF MEETING MINUTES**

ACTION

- August 22, 2019 Regular Meeting Minutes
- September 26, 2019 Regular Meeting Minutes

MOTION: On motion by member Johnsen and second by member Bogan, the Veterans Issues Advisory Committee moved to approve the August 22, 2019 Regular Meeting Minutes and the September 26, 2019 Regular Meeting Minutes with corrections.

MOTION PASSED UNANIMOUSLY

- 6. BUSINESS ITEMS**

INFORMATION/ACTION

- Affordable Housing**

- Veterans Transition Center Housing Development***

Marina Veterans Transition Center ("VTC") Deputy Executive Director Jack Murphy provided an update on supportive housing programs. Mr. Murphy reported final occupancy inspections

will be completed next week for an eight bedroom duplex. He stated due to funding limitations these units will be reserved for paroled veterans of the California Department of Corrections and Rehabilitation. Mr. Murphy explained the duplex has remained unoccupied since its 1998 transfer to VTC, which represents a net gain to the Hayes Circle development. Mr. Murphy reported VTC staff is optimistic regarding obtaining an enhanced use lease for the Former Fort Ord Clinic to provide housing and other veterans services.

b. Post-FORA VIAC Committee

i. Letter to FORA Board of Directors

Chair Oglesby reported that Executive Officer Houlemard is in discussions with the County to provide supportive funding for a post-FORA VIAC Committee liaison. Mr. Oglesby stated he expects the Board to approve funding, as the Committee is vital to Monterey County's veterans community. In support of this cause, Mr. Metz encouraged the VIAC to compose a letter to the Board and attend Board meetings to express concerns.

c. California Central Coast Veterans Cemetery Status Report

i. CCVCF Status Report

California Central Coast Veterans Cemetery ("CCCVC") Manager Erica Chaney reported applications for donor benches are no longer being accepted and all inquiries will be forwarded to CCVCF. The Memorials and Monuments Advisory Committee ("MMAC") may consider accepting donor applications after Phase Two completion in order to allow CCCVC's design team sufficient planning time. Ms. Chaney reported a tentative date of December 10, 2019 for the first MMAC meeting, and will notify members when confirmed. Veterans Day Ceremony will take place Monday, November 11, 2019 at CCCVC beginning at 10:30 a.m. with guest speaker William Zeigler, accomplished veteran and former NAACP Chapter President. Ms. Chaney stated a Phase Two construction start date remains to be determined. Committee member Jack Stewart suggested CCCVC hold a Phase Two groundbreaking ceremony and Ms. Chaney stated that she would take the suggestion to staff.

d. Ord Military Community

Presidio of Monterey ("POM") Retirement Services Officer Mr. Yuan stated POM Tax Center can no longer provide free support services to retired veterans. Due to 2020 budget constraints POM Tax Center will now provide free assistance to active duty servicemembers exclusively.

e. Fundraising Status

i. Central Coast Veterans Cemetery Foundation Status Report

Committee Member Richard Garza reported the Heroes Open will take place Saturday, October 26, 2019 at Bayonet and Black Horse Golf Club in Seaside. Mr. Garza reported the Epic Ride is in the process of determining funds raised and stated CCVCF fundraising is on target to address any Phase Two issues that may arise. CCVCF now plans to focus on ancillary projects, such as a chapel and amphitheater. Mr. Garza stated the MMAC will review proposals for an on-site donor recognition wall.

f. VA-DOD Clinic

Committee member James Bogan reported the next Town Hall meeting will be held at Post 593 in Prunedale. Mr. Bogan stated he is seeking more information regarding the Veterans Affairs Mission Act and will report back to the Committee.

g. Military & Veterans Affairs Office – Monthly Report

No report.

h. Calendar of Events

- Mr. Murphy reported VTC was one of several local nonprofits selected to receive donations through the Monterey County Gives campaign. He urged donors to wait until the campaign begins on November 6, 2019 to ensure VTC receives maximum donations. Visit www.montereycountygives.com for additional information.
- Mr. Murphy noted VTC partnered with Dentistry for Veterans to provide free dental services for veterans on Veterans Day, November 11, 2019 at the office of Dr. Curtis Jansen at 34 Dormody Court, Monterey. The program has limited capacity, so please contact Mr. Murphy as soon as possible for treatment pre-screening.
- The 2nd Annual 11-11 Gala VTC fundraising event will take place on Veterans Day at the Monterey Marriott from 5:00 p.m.- 9:30 p.m. featuring keynote speaker Dr. Charles Hoge, an expert in post traumatic stress disorder and acute anxiety disorders. Visit www.vtcmonterey.org/11-11-gala for additional information.
- Mr. Bogan announced the 28th Annual Veteran of the Year Awards ceremony and dinner will be held Friday, November 8, 2019 at Bayonet Black Horse Golf Club. He noted Representative Sam Farr will be attending to honor three recipients with the 1st Annual Sam Farr Award for extraordinary service of the veterans community. Contact Mr. Bogan or Michael McFadden of MVAO at mcfaddenmm@co.monterey.ca.us for more information.
- The 10th Annual Heroes' Open golf tournament will be held on Saturday, October 26, 2019 with all proceeds donated to CCVCF. Visit www.heroesopenmonterey.com for details.
- Mr. Yuan reported POM will hold its annual Veterans Day ceremony beginning at 11:00 a.m. on Thursday, November 7, 2019 at the Berlin Wall.

7. ITEMS FROM MEMBERS

Mr. Oglesby stated the VIAC would receive an update regarding a letter to the Board at the next Committee meeting. Mr. Williams requested VIAC members receive notification if the Board has this item on any upcoming agendas.

8. ADJOURNMENT at 3:38 p.m.

Minutes Prepared by:
Natalie Van Fleet

APPROVED

**FORT ORD REUSE AUTHORITY
VETERANS ISSUES ADVISORY COMMITTEE (VIAC) MEETING MINUTES
3:00 P.M. January 23, 2020 | FORA Conference Room
920 2nd Avenue, Suite A, Marina CA 93933**

1. **CALL TO ORDER:** Acting Chair Joshua Metz called the meeting to order at 3:03 p.m.

Committee Members Present:

Richard Garza, CCVCF Foundation
Sid Williams, Monterey County Military and Veteran Advisory Commission
Jack Stewart, Fort Ord Veterans Cemetery Advisory Committee
Jason Cameron, Monterey County

2. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Jason Cameron.

3. **ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE**

- Military & Veterans Affairs Office (“MVAO”) Director Jason Cameron announced disabled veterans of any rating level are now allowed access to MWR, Commissary, and Post Exchange services. Non-disabled veterans seeking access to these benefits are directed to MVAO for claims filing.

4. **PUBLIC COMMENT PERIOD**

None.

APPROVAL OF MEETING MINUTES

ACTION

- a. October 24, 2019 Regular Meeting Minutes

MOTION: On motion by member Stewart and seconded by member Murphy, the Veterans Issues Advisory Committee moved to approve the October 24, 2019 Regular Meeting Minutes.

MOTION PASSED UNANIMOUSLY

5. **BUSINESS ITEMS**

INFORMATION/ACTION

- a. **Affordable Housing**

- i. **Veterans Transition Center (“VTC”) Housing Development**

VTC Deputy Executive Director Jack Murphy reported VTC will collect public bids for a Hayes Circle duplex project in the coming months. Mr. Murphy stated \$3.9M in No Place Like Home funding was awarded for VTC’s 71-unit Lightfighter Village affordable housing project. Mr. Murphy reported continued coordination with the Veterans Affairs Office (“VA”) regarding the former Marina VA clinic Enhanced Use Lease and noted VTC is exploring possible alternative developers and partners.

- b. **Post-FORA VIAC Committee**

Executive Officer Joshua Metz reported FORA’s mid-year budget will be presented at the March 12, 2020 Board Meeting, and will inform discussion regarding Post-FORA VIAC funding. Mr. Metz heard

questions and comments from members.

c. California Central Coast Veterans Cemetery (“CCCVC”) Status Report

CCCVC Manager Erica Chaney reported a total of 1,510 decedents (comprised of 1,212 veterans and 298 dependants) have been interred since the Cemetery opened in 2016. Ms. Chaney reported the Monuments and Memorials Advisory Committee met on December 10, 2020 and the next meeting date is yet to be determined. Notice to Proceed on CCCVC Phase II development was approved January 20, 2020 and tree removal may begin as early as the following week.

d. Ord Military Community

No report.

e. Fundraising Status

i. Central Coast Veterans Cemetery Foundation (“CCVCF”) Status Report

Committee member Richard Garza reported CCVCF is focused on assisting CCCVC groundbreaking preparations. Mr. Garza stated CCVCF is considering how to become directly involved in assisting the United Veterans Council Heroes Open Golf Tournament, as well as options for extending CCVCF’s assistance to additional organizations.

f. VA-DOD Clinic

No report.

g. Military & Veterans Affairs Office (“MVAO”) – Monthly Report

MVAO Director Jason Cameron reviewed a December 2019 Monthly Activity Report, noting the Office was closed for holidays, resulting in decreased activity. Mr. Cameron reported MVAO now offers video conference appointments assisted by two representatives. MVAO is working with the County to implement this service in public libraries regionally.

h. Calendar of Events

- Mr. Murphy reported the first 2020 Monterey County Stand Down for Homeless Veterans Committee meeting will take place every fourth Saturday from 10:00 a.m.–12:00 p.m. at Marinez Hall beginning January. The Standdown will be held August 7-9, 2020 at the Monterey County Fairgrounds. Mr. Murphy reported the AT&T Pro-Am at Pebble Beach will take place February 4-9, 2020. Visit www.vtcmonterey.org for volunteering information.
- Mr. Metz reported the Drones Automation & Robotics Technologies (“DART”) DroneCamp and Symposium will be held at CSUMB June 22-26, 2020. Visit www.montereybaydart.org for additional details.

i. Proposed 2020 Committee Meeting Schedule

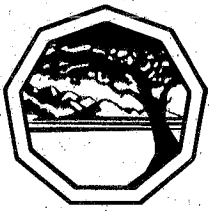
The Committee reviewed the proposed 2020 Committee Meeting Schedule and amended February’s meeting date to February 27, 2020, to correctly reflect the regular meeting frequency of every 4th Thursday at 3:00 p.m.

6. ITEMS FROM MEMBERS

None.

7. ADJOURNMENT at 3:44 p.m.

Minutes Prepared by:
Natalie Van Fleet



FORT ORD REUSE AUTHORITY

920 2ND AVENUE, SUITE A, MARINA, CALIFORNIA 93933

PHONE: (831) 883-3672 - FAX: (831) 883-3675

WEBSITE: www.fora.org

FORA

Board of Directors

920 Second Ave., Suite A

Marina, CA 93933

March 4, 2020

Subject: POST-FORA VIAC LIAISON FUNDING REQUEST

This letter serves as a request for funding a Veterans Issues Advisory Subcommittee (VIAC) liaison within the County's office of Military and Veterans Affairs.

As we work our way through the "transition planning process and signing agreements. It's vital that we keep in mind the manifold accomplishments and continued importance of VIAC. During FORA's existence there have been many issues concerning veteran affairs the VIAC was able to efficiently and effectively discuss and resolve on the board's behalf. Allowing us to focus on other pressing matters, like the environment, education, and the ever elusive economic development. VIAC successes including, but isn't limited to; establishment of the California Central Coast Veterans Cemetery (CCCVC) and separate CCCVC Foundation, the General William Gourley VA/DOD medical clinic, the Veterans Transition Center (VTC), and the ongoing work to assist other non-profit veterans organizations and their families.

The FORA board and staff have always provided the required administration, technical support, and guidance to this sub-committee (VIAC) ensuring its success. The assignment of a staff member (liaison) to specifically monitor, report and advise the VIAC was and remains critical to its functionality and ability to strategically advocacy for the wider veterans community.

It may seem there is no longer a need for the VIAC, I can assure you that is not the case. For example: the CCCVC is a phased project, it will be close to 100 years before it is complete; the VA/DOD clinic continues to struggle with hiring due to the high cost of living; and VTC is involved in projects that will double its capacity. There remains a need to monitor legislative and regulatory agencies statewide and federally, to proactively guarantee the future and complete success of our efforts, some beginning roughly 26 years ago with the founding board members and continues with you today.

The inclusive nature of the VIAC membership and county wide issues discussed and worked on. Means only the County has the capacity and leadership to assume this facilitator responsibility.

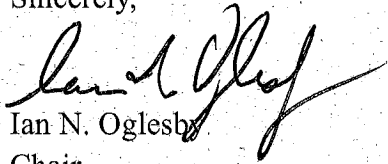
We understand the county office is not currently resourced for this new responsibility. The veteran community may be able to assist with meeting space, however, staffing is the concern.

The VIAC is respectfully requesting:

- (1) the FORA Board recommend to the Monterey County Board of Supervisors that it's Military and Veterans Affairs Office facilitate the VIAC
- (2) allocate funds to the County of Monterey to defray the cost of this staffing position for the next budget year.

The VIAC stands ready to assist the FORA Board in any way to support the veteran community during this critical transition period.

Sincerely,


Ian N. Oglesby
Chair
VIAC

FORT ORD REUSE AUTHORITY BOARD REPORT	
BUSINESS ITEMS	
Subject:	Habitat Working Group Ad-Hoc Committee
Meeting Date:	March 12, 2020
Agenda Number:	7e
INFORMATION	

RECOMMENDATION:

Receive report from the Habitat Working Group Ad-Hoc Committee.

BACKGROUND/DISCUSSION:

The Fort Ord Reuse Authority Board requested that staff assist and support the Habitat Working Group (HWG) Ad-Hoc Committee to identify possible options for agencies to address environmental compliance with state and federal endangered species laws. This would include discussions regarding the viability of implementation via a Habitat Management Plan, a Habitat Conservation Plan and/or other approach if possible.

The HWG consists of Board Members representing member agencies and members of the FORA Administrative Committee. Meetings will be jointly noticed to allow members of the FORA Board and Administrative Committee to attend and share information freely. Public comment will be allowed following each business item discussed.

As reported in February, meetings were held on January 10: Potential Topics for Discussion; January 17: Presentation from Regulatory Agencies; January 24: Consideration of Revised Land Use Projections; and January 31: Possible Options for Future Collaboration/Discussion.

Since then, additional meetings were held on February 14: DRAFT JPA document discussion; February 21: HMP Cost Model, EIR Options & Opinion; February 28: EIR Options, Phasing Discussion, 2018 Transition Plan Review; march 6: Habitat formula review, JPA Draft Language Review, 2018 Transition Plan Review.

FISCAL IMPACT:


Reviewed by FORA Controller 

COORDINATION:

Authority Counsel, Administrative Committee, land use jurisdictions, relevant agencies.

ATTACHMENTS:

- A. Approved January 31, 2020 HWG Minutes
- B. Approved February 14, 2020 HWG Minutes
- C. Approved February 21, 2020 HWG Minutes

Prepared by and Approved by 
Joshua Metz



APPROVED

REGULAR MEETING

FORT ORD REUSE AUTHORITY (FORA) HABITAT WORKING GROUP

10:00 a.m. Friday, January 31, 2020 | Carpenters Union Hall
910 2nd Avenue, Marina, CA 93933

1. CALL TO ORDER

Co-Chair Jane Parker called the meeting to order at 10:01 a.m.

The following FORA Board and Administration Committee members were present:

Melanie Beretti (County of Monterey)
Patrick Breen (MCWD)
Councilmember John Gaglioti (City of Del Rey Oaks)
Councilmember Alan Haffa (City of Monterey)
Layne Long (City of Marina)
Craig Malin (City of Seaside)
Steve Martin (MPC)
Steve Matarazzo (UCSC)
Mayor Pro Tem Gail Morton (City of Marina)
Councilmember Ian Oglesby (City of Seaside)
Supervisor Jane Parker (Monterey County)
Dino Pick (City of Del Rey Oaks)
Anya Spear (CSUMB)
Hans Uslar (City of Monterey)

Members of the Consultant Team included:

Kendall Flint (RGS)
Aaron Gabbe (ICF)
Tom Graves (RGS)
Erin Harwayne (DDA) (via phone)
Kristie Reimer (RMA)
David Willoughby (KAG)

2. PUBLIC COMMENT PERIOD

No public comments were received.

3. BUSINESS ITEMS

a. Today's Meeting Objective

Not discussed.

b. Review and next steps on Habitat discussion

i. Recap discussion from January 24th

Not discussed.

ii. Pros and Cons of continued discussions on reduced scope HCP – Should discussions continue?

Co-Chair Parker asked the HWG whether they want to continue working as a group on habitat issues, or would they like to tackle the issues on their own. Mr. Haffa and Mr. Gaglioti noted that the City of Monterey and the City of Del Rey Oaks, respectively, are interested in a Joint Powers Authority (“JPA”) for a Habitat Conservation Plan (“HCP”), not a Habitat Management Plan (“HMP”). Co-Chair Parker noted that the County of Monterey is interested in a reduced scope or phased HCP. Ms. Morton stated that the City of Marina supports moving forward with an interim JPA with a cutoff date. Ms. Damon stated that the City of Seaside is interested in creating a structure that allows the basic habitat management functions to be funded. Mr. Martin of MPC said that they are very interested in continuing the discussion and moving the HCP forward. Mr. Matarazzo (UCSC), Mr. Breen (MCWD), Mr. Bachman (California State Parks), and Dr. Payan (Monterey Peninsula Regional Parks) affirmed their organizations’ support of an HCP. After receiving supportive comments, Co-Chair Parker stated that it is worth it to continue having this conversation. Co-Chair Metz stated that FORA staff will put together an agenda and that he’ll have Ms. Flint set up items for discussion, with Co-Chair Parker and himself moderating.

Ms. Flint stated to the group that they have three possible options moving forward: Option 1: certify the EIR and adopt the HCP in current form; Option 2: not adopt the HCP and consider certifying the EIR. Continue coordinated habitat planning beyond FORA via formation of a new JPA. Revise & republish HCP to reflect a “phased” approach and more closely align with development; or Option 3: do not adopt the HCP and continue individual implementation of the Habitat Management Plan. A discussion took place among the members regarding the three options and the legal ramifications for each, with Mr. Willoughby providing FORA Authority Counsel’s perspective on the issues. Ms. Morton asked CDFW if they are prepared to give the group a basewide permit. Ms. Vance noted that without the BLM lands for California Tiger Salamander and Sand Gilia, the basewide permit is an option, pending some revisions.

iii. If yes to ii, what steps needs to be taken in the next few weeks to preserve this option post June 30, 2020?

Mr. Haffa motioned for the HWG to move forward with Option 2 including the EIR/EIS and Mr. Gaglioti seconded. Mr. Pick noted that it seems the HWG is in agreement on most of the core tenets of Option 2 and that the HWG should move forward by recommending that the FORA board certifies the EIR/EIS. Ms. Flint made a recommendation to table the motion until the HWG hears back from FORA consultants regarding the financial and legal details of executing Option 2. She noted that the HWG could have that feedback by the end of February in time for the March 12 FORA board meeting. Ms. Morton asked that this recommendation be moved to the FORA Finance Committee so they can examine how it will impact the midyear budget. Mr. Oglesby suggested that the HWG move the recommendation to the Executive Committee so that it can then move to the Finance Committee. A discussion took

place regarding whether the HWG should move forward with Mr. Haffa’s motion, and if not, how to capture the group’s consensus so that it is officially recorded. Co-Chair Parker recommended taking a straw poll on the various points of the motion to see where the group stands on them.

Points	Consensus
1. FORA staff and consultants to contract with CEQA attorney to opine on legality and risks of certifying an EIR without approving a project (HCP).	YES
2. Interest in forming a legal entity (i.e. JPA) that could be delegated FORA Board’s habitat management and conservation responsibilities (Option 2).	YES
3. Establish an escrow account to hold funds currently planned to for use as HCP endowment while JPA-based habitat planning efforts continue.	YES
4. Request FORA Executive and Finance committees consider habitat endowment funds for the JPA process.	YES

iv. If no to ii, what steps needs to be taken convey the \$17M for existing habitat obligations?

Not applicable.

c. Review of option for focus of future working group

Co-Chair Metz stated that FORA can direct its Authority Counsel to start preparing a draft JPA for the HWG to consider. Mr. Willoughby stated that he can circulate a skeletal version of the last draft JPA to the various jurisdictions’ attorneys and have it serve as a clearinghouse for their comments and suggestions.

Co-Chair Parker suggested that the HWG discuss financial details in the next week’s meeting, however, Co-Chair Metz noted that FORA consultant Ellen Martin has not received any feedback from the jurisdictions and that she would be hard-pressed to bring back anything of substance by the February 7 HWG meeting. The HWG heard from Ms. Harwayne and Mr. Gabbe regarding the timing and substance of their analyses that they are preparing for the HWG. Based on this feedback, Ms. Morton recommended that the HWG not meet on February 7, and that instead the jurisdictions take the time to meet with Ms. Harwayne and hone in on phasing projections.

d. Review of options for staffing and meetings

Co-Chair Metz noted the following tentative meeting schedule and topics:

- February 7 – meeting cancelled
- February 14 – discussion of the JPA draft document and its language
- February 21 – discussion of finances and the HMP management cost model

- February 28 – discussion of the phasing (hopefully with feedback from regulators and consultants)

Co-Chair Metz noted that the points listed in the straw poll will be included in the next meeting's agenda for members to review.

e. Other discussion

None

4. ITEMS FROM MEMBERS

None

5. ADJOURNMENT at 11:57 a.m.



REGULAR MEETING
FORT ORD REUSE AUTHORITY (FORA) HABITAT WORKING GROUP (HWG)
10:00 a.m. Friday, February 14, 2020 | Carpenters Union Hall
910 2nd Avenue, Marina, CA 93933

1. CALL TO ORDER

Co-Chair Jane Parker called the meeting to order at 10:05 a.m.

The following FORA Board and Administration Committee members were present:

Melanie Beretti (County of Monterey)
Councilmember John Gaglioti (City of Del Rey Oaks)
Councilmember Alan Haffa (City of Monterey)
Layne Long (City of Marina)
Craig Malin (City of Seaside)
Steve Martin (MPC)
Steve Matarazzo (UCSC)
Mayor Pro Tem Gail Morton (City of Marina)
Vicki Nakamura (MPC)
Frank O'Connell (City of Marina)
Mayor Ian Oglesby (City of Seaside)
Supervisor Jane Parker (Monterey County)
Dino Pick (City of Del Rey Oaks)
Anya Spear (CSUMB)
Hans Uslar (City of Monterey)
Mike Wegley (MCWD)

Members of the Consultant Team included:

Kendall Flint (RGS)
Erin Harwayne (DDA)
Kristie Reimer (RMA)
David Willoughby (KAG)

2. PUBLIC COMMENT PERIOD

No public comments were received.

3. BUSINESS ITEMS

a. Approve meeting minutes from January 31, 2020

MOTION: On motion by Mr. Gaglioti, seconded by Mr. Haffa and carried by the following vote, the Habitat Working Group moved to approve the January 31, 2020 HWG meeting minutes.

MOTION PASSED UNANIMOUSLY

b. Today's Meeting Objective

Not discussed.

c. **Recap discussion from January 31, 2020 meeting**

Not discussed.

d. **Discussion of JPA draft document and its language (Attachment A)**

Co-Chair Parker started the item by noting that Mr. Willoughby will be leading the HWG through the draft JPA paragraph by paragraph. Mr. Willoughby walked the HWG through the contents of the document, answering questions from members of the HWG when asked, and noting any requested changes. Once Mr. Willoughby finished, members of the HWG discussed the language used in sections throughout the draft document. Mr. Haffa opined that it would be helpful if all members of the HWG spoke about whether they would feel comfortable bringing it to their agencies for approval. Representatives from each jurisdiction expressed their thoughts on the idea, with some voicing their approval, some voicing their rejection, and some voicing approval pending some changes and clarifications.

Members of the HWG began to discuss next steps as far as the HWG's responsibilities go to carry on this process. Co-Chair Parker recommended that Mr. Willoughby and attorneys from the various jurisdictions hold a meeting to go over the draft JPA and bring forward a new draft of the documents to the HWG meeting on February 28, so that the HWG can discuss a document that has been approved by its jurisdictions' attorneys. This would give the HWG the ability to make a recommendation to the FORA Board. Co-Chair Metz suggested conducting a straw poll on various ideas so that when the attorneys meet, they have some policy direction to base their work off of. The HWG continued the discussion of the draft document, going over legal ramifications, the schedule of how the JPA will be implemented, and ways that the \$17 million can be protected. Co-Chair Parker recommended that the group come to an agreement on consensus points and listed them as follows:

- Clarifying the purpose in recital C to include more explicit language about the negotiations that the JPA was going to be undertaking.
- The handling and possible disposition of the \$17 million.
- Put in a more explicit end date for the JPA for this particular purpose.
- Have the attorneys look into the risk of liability.

MOTION: On motion by Mr. Gaglioti, seconded by Mr. Oglesby and carried by the following vote, the Habitat Working Group moved to memorialize those consensus points.

MOTION PASSED UNANIMOUSLY

e. Other discussion

None

4. FUTURE AGENDA ITEMS

Not discussed

5. ADJOURNMENT at 12:04 p.m.

REGULAR MEETING

FORT ORD REUSE AUTHORITY (FORA) HABITAT WORKING GROUP (HWG)

And

SPECIAL MEETING OF THE FORA ADMINISTRATIVE COMMITTEE

10:00 a.m. Friday, February 21, 2020 | Carpenters Union Hall
910 2nd Avenue, Marina, CA 93933

1. CALL TO ORDER

Co-Chair Jane Parker called the meeting to order at 10:05 a.m.

The following FORA Board and Administration Committee members were present:

Supervisor Jane Parker (Monterey County) – Co-Chair

Melanie Beretti (County of Monterey)

Patrick Breen (MCWD)

Councilmember John Gaglioti (City of Del Rey Oaks)

Councilmember Alan Haffa (City of Monterey)

Layne Long (City of Marina)

Craig Malin (City of Seaside)

David Martin (MPC)

Steve Matarazzo (UCSC)

Mayor Pro Tem Gail Morton (City of Marina)

Vicki Nakamura (MPC)

Councilmember Frank O’Connell (City of Marina)

Mayor Ian N. Oglesby (City of Seaside)

Supervisor Jane Parker (Monterey County)

Dino Pick (City of Del Rey Oaks)

Anya Spear (CSUMB)

Hans Uslar (City of Monterey)

Members of the Consultant Team included:

Kendall Flint (RGS)

Aaron Gabbe (ICF)

Erin Harwayne (DDA)

Ellen Martin (EPS)

David Willoughby (KAG)

FORA Staff:

Joshua Metz – Co-Chair

Harrison Tregenza

2. PUBLIC COMMENT PERIOD

Public comment was received.

3. BUSINESS ITEMS

a. Today’s Meeting Objective

Ms. Parker went over the agenda for the meeting and noted that the objective was to have a good conversation.

b. February 14, 2020 meeting recap

Mr. Metz noted that FORA attorneys are reviewing the JPA document with the jurisdictions and they will bring it back for review and consideration at subsequent meetings.

c. Habitat Management Plan (HMP) – Cost Model presentation

Mr. Gabbe gave a presentation on the HMP cost model. He started by going over the methods and assumptions used to create the HMP cost model. He broke down the cost model by jurisdiction, species, acreage, and responsibilities and answered questions from the committee. He discussed the differences between the HMP and HCP, and the details regarding species' take and mitigation. Ms. Morton asked if it would be possible for the Bureau of Land Management (BLM) to compile all reports from the last five years and have them posted on FORA's website. Mr. Metz affirmed that he'd work with Mr. Morgan of BLM to get all the reports and put them on the website for jurisdictions to access. Mr. Pick noted that the regulatory agencies will be in charge of these things, and would like them on the phone next time. Ms. Parker wrapped up the item due to time constraints and noted that this was a good conversation, but that it will need to be discussed in future meetings.

d. CEQA Attorney – Habitat Conservation Plan (HCP) / EIR options

Mr. Metz noted that as instructed by the FORA Board, FORA staff contracted with Holland & Knight (HK) to provide a legal opinion regarding CEQA ramifications regarding of EIR certification. Mr. Willoughby walked the HWG through the legal memo provided by HK. He broke down the five options as laid out in the memo as well as the details of EIR certification. Mr. Willoughby then answered questions from members of the HWG regarding the contents of the memo. Following this, Ms. Flint gave a presentation on HCP/EIR considerations. She broke down HK's five options in terms of who the lead agency would be and the benefits and challenges of each. She then showed the HWG an action calendar for all the steps that would need to take place to publish and certify an EIR before FORA's sunset.

e. Other discussion

None

4. FUTURE AGENDA ITEMS

Not discussed.

5. ADJOURNMENT at 12:15 p.m.

FORT ORD REUSE AUTHORITY BOARD REPORT	
CONSENT AGENDA	
Subject:	Finance Committee
Meeting Date:	March 12, 2020
Agenda Number:	7f
	INFORMATION/ACTION

RECOMMENDATION:

Receive a report from the Finance Committee.

BACKGROUND/DISCUSSION:

The Finance Committee met on January 6, 2020. The approved minutes for these meetings are provided as **Attachment A**.

FISCAL IMPACT:

Reviewed by the FORA Controller 

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

COORDINATION:

Finance Committee

Prepared by  Natalie Van Fleet Approved by  Joshua Metz

FORT ORD REUSE AUTHORITY
FINANCE COMMITTEE MEETING MINUTES
9:00 a.m., Monday, January 06, 2020 | Executive Officer's Conference Room
920 2nd Avenue, Suite A, Marina CA 93933

1. CALL TO ORDER/ESTABLISHMENT OF QUORUM

Chair City of Salinas Mayor Joe Gunter, called the meeting to order at 9:00 a.m.

MEMBERS PRESENT:

Mayor Joe Gunter (City of Salinas)
Mayor Pro-Tem Gail Morton (City of Marina)
Andre Lewis (CSUMB)
Cynthia Garfield (City of Pacific Grove)

2. PLEDGE OF ALLEGIANCE was led by City of Marina Pro-Tem Gail Morton.

3. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, AND CORRESPONDENCE

- Controller/Finance Manager Helen Rodriguez announced Joshua Metz as FORA's new Executive Officer.
- Senior Project Manager Peter Said has accepted a position with the State of California.

4. PUBLIC COMMENT PERIOD

There were no comments received from the public.

5. APPROVAL OF MEETING MINUTES

- a. April 30, 2019 Regular Meeting Minutes

MOTION: On motion by Committee member Morton and seconded by Committee member Lewis and carried by the following vote the Finance Committee approved the regular meeting minutes of April 30, 2019 with one abstention by Committee member Garfield.

6. BUSINESS ITEMS

- a. Fiscal Year 2018-19 Audited Financial Report

Controller Helen Rodriguez reviewed the fiscal year 2018-19 audited financial report and introduced the auditor representative from Moss, Levey & Hartzheim, Hadley Hui, CPA. Mrs. Rodriguez and Mr. Hui responded to questions and comments from the Committee.

MOTION: On motion by Committee member Garfield and seconded by Committee member Morton and carried by the following vote, the Finance Committee moved to recommend the fiscal year 2018-19 audited financial report to the Board of Directors.

- b. Post FORA Transition

Mrs. Rodriguez opened the discussion on Post FORA Transition, advising the Committee with the pending Sunset of FORA, Marina Coast Water District will be moving into the current FORA office building and has shown interest in purchasing the existing furniture/fixtures. Mrs. Rodriguez advised the Committee the assets have been fully depreciated and have a zero value. Mrs. Rodriguez requested the Committee provide direction on how they would

like Mrs. Rodriguez to determine the value. The Committee gave direction to value the furniture/fixtures at garage sale value prices. Mrs. Rodriguez advised the Committee in preparation for the mid-year budget, any renewal membership fees after January will be canceled, and requested if members have any items, they would like her to keep an eye on for the mid-year budget. The Committee provided direction to Mrs. Rodriguez. A doodle poll will be sent out in the coming weeks to schedule the next Committee meeting to review the draft mid-year budget and final Capital Improvement Program.

7. ITEMS FROM MEMBERS

There were no items from members.

8. ADJOURNMENT at 10:23 a.m.

Minutes Prepared by:
Heidi Lizarbe
Deputy Clerk

FORT ORD REUSE AUTHORITY BOARD REPORT

CONSENT AGENDA

Subject: Reassignment of Escrow Holding Company – South Boundary Road Project

Meeting Date: March 12, 2020

Agenda Number: 7g

INFORMATION/ACTION

RECOMMENDATION(S):

Authorize the Executive Officer:

1. Reassign escrow holding company from National Builders Control, Inc. to Fidelity National Title, Inc. for the two escrow accounts to fund construction of projects FO14 South Boundary Road Upgrade (\$5,000,000) and FO9C General Jim Moore Boulevard/South Boundary Road Intersection (\$1,056,168) post June 30, 2020 as approved by the FORA Board on May 10, 2019.
2. Accept Term Sheet modifications reflecting name change as approved by FORA Board on May 10, 2019.
3. Transfer remaining South Boundary Road Upgrade funds (\$2,269,813) as approved in the 2019-20 CIP to the South Boundary Road Escrow Account after the 2019-20 FORA Mid-Year Budget has been approved.

BACKGROUND/DISCUSSION:

At the May 10, 2019 FORA Board Meeting, Staff made a presentation concerning transitioning FORA on-site transportation improvements which included the request for approval that FORA should complete or fund FO14 South Boundary Road Upgrade and FO9C General Jim Moore Boulevard/South Boundary Road Intersection, while the underlying City would take on the remaining on-site transportation improvements. As documented, FORA allocated CFD/development fee funds in the FY 18-19 budget to mostly fund South Boundary Road Upgrade and to fully fund General Jim Moore Boulevard/South Boundary Road Intersection. The unanimously approved action authorized the Executive Officer to fund escrow accounts to assure completion of these transportation improvements, to be disbursed by Del Rey Oaks and/or Monterey escrow account signatories, post FORA dissolution. As stated in the resolution, National Building Control, Inc. (NBC) was named as the escrow holding company.

FORA staff tried to work with NBC during the remainder of 2019 to execute the transfer of the approved funds into the two escrow accounts. However, it became evident that the requirements of NBC did not match the current status of the project, as they required 100% design completion and approval. The SBR project is still in the final design phase and using NBC as the escrow holding company is no longer a viable option.

In the first quarter of 2020, FORA Staff has meet with both the Cities of Del Rey Oaks and Monterey concerning this issue and a new escrow holding company of Fidelity National Title, Inc. has been identified with the help from Chicago Title Company as a viable company that best meets the needs of the escrow holding company.

As the approved monies have not yet been transferred to NBC, the FORA Staff is requesting that FORA Board approve the reassignment of the escrow holding company from National Builders Control Inc. to Fidelity National Title, Inc. as reflected in the updated Term sheet; which will allow for the transfer of funds to two escrow accounts to fund construction of projects FO14 South Boundary Road Upgrade (\$5,000,000) and FO9C General Jim Moore Boulevard/South Boundary Road Intersection (\$1,056,168) post June 30, 2020 previously approved by the FORA Board on May 10, 2019.

As the name change of the escrow holding company affects the Term Sheet that was approved by the FORA Board on May 10, 2019, updates to the Term Sheet were required. (**Attachment A.**) As referenced in the previously approved Term Sheet and included in the attachment, remaining monies (\$2,269,813) were scheduled to be transferred to the escrow account as approved in the 2019-20 CIP to the South Boundary Road project, conditional on verification of CFD funds as noted in the Board Meeting Minutes for May 10, 2019. FORA staff requests that the Board wait to approve the transfer of these remaining funds allocated in the approved 2019-20 CIP until after the 2019-20 FORA Mid-Year Budget has been approved by the FORA Board.

FISCAL IMPACT:

Reviewed by FORA Controller 

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

COORDINATION:

Authority Counsel, Administrative and Executive Committees, and land use jurisdictions.

Prepared by 
Kristie Reimer, RAC Inc.

Approved by 
Joshua Metz, Executive Officer

**TERM SHEET
CONCERNING FORT ORD REUSE AUTHORITY’S (FORA’S) DEPOSIT OF
CONSTRUCTION FUNDING IN TWO ESCROW ACCOUNTS MANAGED BY
FIDELITY NATIONAL TITLE, INC.**

This Term Sheet summarizes the principal terms or escrow instructions upon establishment of escrow accounts managed by Fidelity National Title, Inc. for the construction of South Boundary Road and General Jim Moore Boulevard/South Boundary Road intersection.

South Boundary Road Escrow Account

Terms	
FORA’s initial deposit in 2018-2019 into interest-bearing escrow account	\$5,000,000
FORA’s second and final deposit in 2019- 2020 into interest-bearing escrow account	\$2,269,813
Authorized signatories for release of funds from escrow account	<ol style="list-style-type: none"> 1. Until FORA dissolution, FORA Executive Officer 2. Post FORA dissolution, City of Monterey City Manager and/or City of Del Rey Oaks City Manager
Eligible uses of funds	<ol style="list-style-type: none"> 1. Costs related to completion of bid documents including plans, specifications, and estimates describing all the elements of construction of South Boundary Road upgrade, defined as a roadway improvement from General Jim Moore Boulevard to 200 feet east of Rancho Saucito Road. 2. Costs related to issuing and completing a public bid process for South Boundary Road upgrade, which may include but is not limited to: newspaper noticing, website posting, construction or project manager reviews, legal reviews, constructability reviews, construction staking, and administrative staff costs. 3. Costs related to South Boundary Road upgrade construction, which may include but is not limited to: construction contract payments, approved construction change orders, project manager, construction manager, and/or construction inspector services, legal services,

	<p>construction support services such as UXO specialist monitoring services, close out costs such as as-builts and surveys, construction dispute resolution or claims, Mitigation and Monitoring Plan implementation costs, cost associated with obtaining easements or rights of way, insurance costs, on-call engineering services, testing services, and administrative staff costs.</p> <p>4. If construction does not begin within ten years of the creation of this escrow account or if funds remain post-construction (defined as the period of time after issuance of a Notice of Completion by FORA, City of Del Rey Oaks, and/or City of Monterey), then Fidelity National Title shall distribute escrow account funds to the amount of 20% to each of the following jurisdictions: County of Monterey, Cities of Del Rey Oaks, Monterey, Seaside, and Marina.</p>
<p>Fidelity National Title's verification of authorized signatories and eligible uses of funds</p>	<ol style="list-style-type: none"> 1. Authorized signatories shall meet with a Fidelity National Title representative in-person to verify identities, position titles, and signatures prior to release of funds. 2. When authorized signatories incur costs meeting the description of eligible uses of funds, the signatories shall make monthly requests for disbursement of funds. Signatories shall provide Fidelity National Title with copies of relevant construction and services contracts. Each request shall include copies of invoices, allocations of administrative staff costs, accounting of construction contract funding retention, and a point of contact should any questions arise. 3. Fidelity National Title shall base its decisions on eligible uses of funds upon the documents submitted to it by the authorized signatory or his or her designee. 4. Fidelity National Title shall disburse requested funds to signatories within 30 days of receiving a request.
<p>Termination:</p>	<p>10-years or until terms of the above referenced items are satisfied.</p>
<p>Caveat:</p>	<p>These terms will be subject to Authority Counsel's final review as to form and Fidelity National Title's review.</p>

General Jim Moore Blvd./South Boundary Rd. Intersection Escrow Account

Terms	
FORA's initial and final deposit in 2018-2019 into interest-escrow bearing account.	\$1,056,168
Authorized signatories for release of funds from escrow account	<ol style="list-style-type: none"> 1. Until FORA dissolution, FORA Executive Officer 2. Post FORA dissolution, City of Del Rey Oaks City Manager
Eligible uses of funds	<ol style="list-style-type: none"> 1. Costs related to completion of bid documents including plans, specifications, and estimates describing all the elements of construction of the General Jim Moore Blvd./South Boundary Rd. Intersection (project), defined as widen from 2 to 4 lanes from south of Coe Ave. to South Boundary Rd. 2. Costs related to issuing and completing a public bid process for the project, which may include but is not limited to: newspaper noticing, website posting, construction or project manager reviews, legal reviews, constructability reviews, construction staking, and administrative staff costs. 3. Costs related to project construction, which may include but is not limited to: construction contract payments, approved construction change orders, project manager, construction manager, and/or construction inspector services, legal services, construction support services such as UXO specialist monitoring services, close out costs such as as-builts and surveys, construction dispute resolution or claims, Mitigation and Monitoring Plan implementation costs, cost associated with obtaining easements or rights of way, insurance costs, on-call engineering services, testing services, and administrative staff costs. 4. If construction does not begin within ten years of the creation of this escrow account or if funds remain post-construction (defined as the period of time after issuance of a Notice of Completion by FORA or City of Del Rey Oaks), then Fidelity National Title shall distribute escrow account funds to the amount of 20% to each of the following jurisdictions: County of Monterey, Cities of Del Rey Oaks, Monterey, Seaside, and Marina.

<p>Fidelity National Title's verification of authorized signatories and eligible uses of funds</p>	<ol style="list-style-type: none"> 1. Authorized signatories shall meet with a Fidelity National Title representative in-person to verify identities, position titles, and signatures prior to release of funds. 2. When authorized signatories incur costs meeting the description of eligible uses of funds, the signatories shall make monthly requests for disbursement of funds. Signatories shall provide Fidelity National Title with copies of relevant construction and services contracts. Each request shall include copies of invoices, allocations of administrative staff costs, accounting of construction contract funding retention, and a point of contact should any questions arise. 3. Fidelity National Title shall base its decisions on eligible uses of funds upon the documents submitted to it 4. by the authorized signatory or his or her designee. 5. Fidelity National Title shall disburse requested funds to signatories within 30 days of receiving a request.
<p>Termination:</p>	<p>10-years or until terms of the above referenced items are satisfied.</p>
<p>Caveat:</p>	<p>These terms will be subject to Authority Counsel's final review as to form and Fidelity National Title's review.</p>

FORT ORD REUSE AUTHORITY BOARD REPORT	
CONSENT AGENDA	
Subject:	Transition Process Update
Meeting Date:	March 12, 2020
Agenda Number:	7h
INFORMATION	

RECOMMENDATION(S):

Receive transition process status report.

DISCUSSION:

The following table updates the status of LAFCO’s Tier 1 and Tier 2 Action Items identified in its February 3rd meeting agenda. We continue to make progress towards an orderly dissolution on June 30, 2020.

Tier 1: Actions Critical to Orderly Dissolution	
<p>1. Transfer CFD funds and other remaining fund balances, records and office equipment to Monterey County.</p>	<ul style="list-style-type: none"> • Any/all funds remaining with be transferred to the County on or before June 30, 2020. We anticipate this to be a small amount as the FORA Board will be considering expenditures using remaining unencumbered funds at its April and May Board Meetings. • FORA staff is working directly with the County to facilitate the transfer of all documents and records and has already begun this process. • Office equipment/desks (Attachment B) will be transferred to Marina Coast Water District when it assumes the facility.
<p>2. Transfer ESCA, LRA designation and EDC contract to Seaside.</p>	<ul style="list-style-type: none"> • FORA designated Seaside as its successor at its February 21 Special Board Meeting. A fully executed agreement has been signed by the City of Seaside and FORA. • Once the City/FORA receive final Army approval, FORA will transfer remaining deeds for property transfers to the City of

	Seaside for final disposition to the underlying jurisdictions.
3. Transfer water allocations, first right of refusal for Army excess groundwater, water augmentation obligations, water and wastewater capacity charges and rates to MCWD.	<ul style="list-style-type: none"> This has been completed and is memorialized in the ESCA/LRA agreement with Seaside and is included in individual agreements between MCWD and local agencies.
4. Follow up re: litigation fund, reserve request and LAFCO requested language in TPIA.	<ul style="list-style-type: none"> FORA has provided \$500,000 for potential litigation. LAFCO is not a signatory to the TPIAs and the language is already part of the legislation which extended FORA. Therefore, legal counsel does not believe it is appropriate in the TPIA agreements.
5. Make final payment to terminate CalPERS contract.	<ul style="list-style-type: none"> FORA will receive the final payment request from CalPERS in the third quarter and through the County via sequestered funds, will provide final payment at that time. Any shortfall would be addressed via the 2018 Transition Plan item 2.2.1 which stipulates that the County will continue to collect property tax funds and allocate them to recognized debt should they exist.
6. Create a plan for final year audit.	<ul style="list-style-type: none"> The final audit will be conducted by Moss, Levy & Hartzheim. Staff is preparing documents for transmittal on or before June 30, 2020. We anticipate that the County will assume oversight and provide copies of the audit to LAFCO and member agencies. All funds will have been transferred with the exception of the Section 115 Trust which needs to remain on the books until such time as the CalPERS liability is determined.

	<ul style="list-style-type: none"> The County will be designated as the authorized person to release funds from the Trust to CalPERS. Paperwork has been requested from the Trust Administrator to designate the County.
7. Transfer remaining FORA held real estate to agencies.	<ul style="list-style-type: none"> As the LRA successor, Seaside will facilitate the transfer of any/all remaining properties.
8. Record the FORA Master Resolution one month prior to dissolution.	<ul style="list-style-type: none"> The FORA Board will consider amendments to its 2018 Transition Plan at its April Board meeting. It is anticipated that language related to this action item may be deleted.
9. Resolve existing and pending litigation.	<ul style="list-style-type: none"> FORA Counsel believes both existing litigation cases will be resolved by June 2020. FORA is unaware of any additional litigation pending.
10. Capital Improvement Projects	<ul style="list-style-type: none"> The Board will vote on the transfer of Escrow Funds (previously approved) for South Boundary Road due to a change in the Escrow Company named as part of its Consent Calendar in March. Approval to transfer lead agency status, funds and responsibility for the three remaining CIP projects to the underlying jurisdictions will be considered at the April Board Meeting. This includes South Boundary Road (Del Rey Oaks), removal of the Stockade (Marina) and Eucalyptus Infiltrator Repair (Seaside).
Tier 2: Actions Important but not Essential Prior to Dissolution	
1. Transfer local and regional road obligations, agree on distribution of CFD funds collected for habitat management, agree on	<ul style="list-style-type: none"> See Tier 1 Action Item 1. TAMC has already established a regional road fee and will begin collection on July 1, 2020.

<p>distribution of other fund balances.</p>	<ul style="list-style-type: none"> All agencies are responsible for their own local roads and habitat management effective July 1, 2020. This is memorialized in the TPIA agreements.
<p>2. Certify the HCP FEIR and approve the plan.</p>	<ul style="list-style-type: none"> The FORA Board will take a second vote on this item at its March Board meeting. While they may direct staff to have the final EIR completed for certification, they are unlikely to approve the HCP. It appears at the Habitat Working Group may assume management of a revision to the HCP post-FORA.
<p>3. Form a Joint Powers Authority to implement the HCP.</p>	<ul style="list-style-type: none"> This action must be taken by the member agencies. FORA continues to facilitate this discussion through the Habitat Working Group and has developed an agreement for their consideration which is currently in review. It appears that there is a desire to create a JPA to continue discussions related to the fiscal viability of implementing the HCP but NOT to assume that responsibility until all member agencies agree it would be feasible.
<p>4. Create escrow agreements with Del Rey Oaks for South Boundary Road and GJMB.</p>	<ul style="list-style-type: none"> The FORA Board will be asked to approve the transfer of funds to the escrow company at its March Board meeting.
<p>5. Complete the issuance of Building Removal Bonds and associated agreements.</p>	<ul style="list-style-type: none"> This is an ongoing process pending action by the State of California. The Board will review action at its March 20, 2020 Special Board Meeting.
<p>6. Satisfy or assign other existing FORA contracts that require action.</p>	<ul style="list-style-type: none"> Legal counsel is reviewing all agreements to ensure that all have been satisfied. RGS is preparing a master list for review by the Board at its April Board Meeting.

FISCAL IMPACT:

None.

COORDINATION:

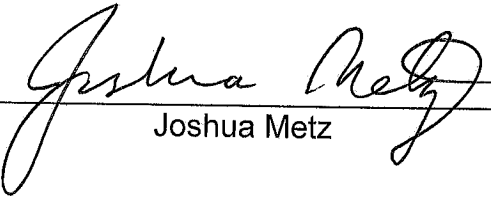
Authority Counsel, Administrative Committee, Habitat Working Group, LAFCO

ATTACHMENTS:

- A. Planned Board Meeting Action Item Schedule
- B. FORA letter to MCWD re: Office Furniture and Equipment Disposition, October 27, 2011

Prepared by Kendall Flint, RGS.

Approved by:


Joshua Metz

Thursday, March 12, 2020

2:00 PM – 5:00 PM

1. Proceed with EIR/HCP 2nd Vote ACTION
2. Proposed Amendments to 2018 Transition Plan INFORMATION/ACTION
3. Update re: Transition to Sunset Status INFORMATION/CONSENT

Friday, March 20, 2020 (Special Meeting)

1:00 PM to 3:00 PM

1. Building Removal Bond
 - a. Validation Action Status INFORMATION
 - b. Bond Schedule INFORMATION
 - c. Bond Proceeds Allocation ACTION

Thursday, April 9, 2020

2:00 PM – 5:00 PM

1. Mid-Year Budget INFORMATION/ACTION
2. Transfer of Remaining CIP Projects to Marina/Seaside/Del Rey Oaks ACTION
3. 2020 Transition Plan ACTION
4. Building Removal Bond Documents ACTION
5. ESCA Quarterly Report INFORMATION/CONSENT
6. Update re: Transition to Sunset Status INFORMATION/CONSENT

Friday, April 17, 2020 (Special Meeting)

1:00 PM to 3:00 PM

1. Mid-Year Budget/CIP 2nd Vote (If needed) ACTION
2. 2020 Transition Plan 2nd Vote (If needed) ACTION
3. Campus Town Consistency Determination ACTION

Thursday, May 14, 2020

2:00 PM – 5:00 PM

1. Veterans Support Item ACTION
2. Allocation of CFD Fund to JPA ACTION
3. Allocation of Remaining FORA Funds INFORMATION/ACTION
 - a. Seaside LRA
 - b. Monterey County Admin
 - c. TBD
4. Update re: Transition to Sunset Status INFORMATION

Friday, May 22, 2020 (Special Meeting)

1:00 PM to 3:00 PM

1. Allocation of CFD Funds to JPA 2nd Vote ACTION
2. Allocation of Remaining FORA Funds 2nd Vote ACTION

Thursday, June 11, 2020

2:00 PM – 5:00 PM

1. Consider Certification of EIR ACTION
2. Update re: Transition to Sunset Status INFORMATION

Friday, June 19, 2020 (Special Meeting)

1:00 PM to 3:00 PM

1. Consider Certification of EIR 2nd Vote (If needed) ACTION

June 30, 2020 SUNSET

FORT ORD REUSE AUTHORITY BOARD REPORT	
CONSENT AGENDA	
Subject:	Public Correspondence to the Board
Meeting Date:	March 12, 2020
Agenda Number:	7i
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:	Habitat Conservation Plan (“HCP”) / Environmental Impact Report (“EIR”) Options 2nd VOTE
Meeting Date:	March 12, 2020
Agenda Number:	8a
INFORMATION/ACTION	

RECOMMENDATION(S):

- i. Receive a report on factors affecting Board HCP/EIR considerations.
- ii. Provide direction to the Executive Officer on HCP/EIR next steps.

BACKGROUND/DISCUSSION:

A joint Environmental Impact Statement/Environmental Impact Report (“EIS/EIR”) was been prepared on behalf of the Fort Ord Reuse Authority (“FORA”) to analyze the effects of the Proposed Action, which is the issuance of Federal and State incidental take permits (ITPs) by the U.S. Fish and Wildlife Service (“USFWS”) under Section 10(a)(1)(B) of the Federal Endangered Species Act (“ESA”), and by the California Department of Fish and Wildlife (“CDFW”) under Section 2081 of the California Fish and Game Code in compliance with the California Endangered Species Act (“CESA”). The Draft EIS/EIR analyzes the potential environmental effects of the adoption and implementation of the Draft Fort Ord Multi-Species Habitat Conservation Plan (“HCP”) and the issuance of Federal and State ITPs. The Draft HCP provides measures to mitigate and avoid/minimize impacts to eight Federal and State listed species within a 28,000-acre Plan Area under a reasonable range of alternatives. This is a comprehensive, base-wide plan that would provide conservation and management of sensitive species and their habitat. The Draft HCP was prepared to support the application for the Federal ITP. FORA is requesting a permit term of 50 years to authorize take of covered species associated with the covered activities described in the Draft HCP.

A total of three alternatives were considered in the environmental analysis:

1. Alternative 1: Redevelopment of Existing Developed Areas and Habitat Management Area (“HMA”) Management Activities

This alternative would limit development activities to redevelopment of existing developed areas within the designated development areas and HMAs and include implementation of required Habitat Management Plan (“HMP”) habitat management in HMAs (see Draft HCP Chapter 3, Covered Activities, for a description of the locations of these activities). This alternative would result in a decrease in the extent of HCP covered activities, as it assumes no take would occur in existing developed areas within the designated development areas and HMAs associated with redevelopment activities, and very little take in HMAs as a result of HMA management activities and conservation strategy implementation. This alternative would reduce direct impacts to HCP species habitat by 93–99% on non-Federal lands.

2. Alternative 2: Prohibit Development in HMAs and Increase Development Density in Designated Development Areas

This alternative would restrict development to existing developed areas within HMAs (i.e., where no HCP species habitat occurs) and within designated development areas (i.e., existing developed areas and natural lands areas designated for development) and allow for take in HMAs only where and when it results from HMA management. Direct impacts would be limited to HCP species that have habitat in designated development parcels, and those impacts expected from HMA management activity implementation.

3. Alternative 3: No Action

Under this alternative, the Permittees would not form the HCP JPA, not receive base-wide permits for take, and not implement the HCP. Underlying agreements and land use plans would move ahead at a modified level during the 50 years of the proposed HCP term. Project-by-project development activities, habitat management activities, and mitigation strategies are anticipated.

The 45-day public review period began on November 1, 2019 and ended on December 16, 2019. A total of 32 comment letters were received.

Since that time the FORA Board formed the Habitat Working Group (“HWG”) as an ad-hoc committee comprised of Board representatives from the FORA land use jurisdictions and potential HCP permittees. The HWG and the Administrative Committee have been holding jointly noticed weekly meetings to discuss and address questions and concerns regarding long-term habitat management options on the former Fort Ord. These Committees have made considerable progress on understanding and evaluating options and are continuing to work towards a consensus Board recommendation. Key steps towards that recommendation include:


- Considering and providing 15-, 25- and 50-years development projections/phasing scenarios to the HCP consultant team as potential refinements/revisions to the Draft HCP;
- Considering and drafting a Joint Powers Authority (“JPA”) agreement structure as a mechanism to continue HMP, HCP, and/or other options for environmental compliance discussions as a group post-FORA;
- Evaluating costs associated with these proposed actions and developing a funding request to the FORA Board; and
- Obtaining a CEQA Attorney opinion on risks and rewards of HCP approval and EIR certification options.

Table 1 summarizes EIR/HCP certification and adoption considerations for the Board. Staff will bring other items from the HWG noted above for Board consideration at later dates.

Table 1. EIR/HCP Certification & Adoption Considerations

	Lead Agency	Benefit	Challenges
1. Prepare and Certify EIR/ Adopt HCP	FORA	Certified EIR. Adopted HCP which may be amended at a later date by permittees subject to State and Federal approval.	Significant exposure to litigation based on incompatibility of the current HCP and revised development projections. Approximately \$200,000+ additional consultant costs.
2. Prepare and Certify EIR w/ No Project Alternative/ Do not adopt HCP	FORA	Certified EIR based on “no build” scenario.	Reduced exposure to litigation based on incompatibility of the current HCP and revised development projections from agencies circa 2020. Approximately \$200,000+ additional consultant costs.
3. Prepare and Certify EIR w/ Revised Project Alternative(s) Based on Phased Development/ Do not adopt HCP	FORA	More closely aligns EIR with current development projections circa 2020.	Lack of opportunity for public review of proposed alternative, which, although not a requirement under CEQA, may result in potential litigation exposure.
4. Do not complete EIR/ Provide Funds to JPA to Explore Options for Phasing the HCP	FORA	Limited legal exposure to FORA	JPA would require funding
5. Determine Viability of Phased HCP Implementation and Determine Value of Completing EIR and/or Revising and Recirculating the Document	JPA	Ability to align HCP with agency development projections, assess specific cost/benefit by agency for HCP vs HMP. Provides time for revision and/or amendment and recirculation of EIR. Leaves decision for adoption to JPA.	Would Incur additional cost for HCP refinement and financial models. May require substantial funds for revisions and completion of EIR.

FISCAL IMPACT:

Reviewed by FORA Controller 

Approve \$130,942 for Dennis Duffy & Associates and \$68,470 for ICF Jones & Stokes for a total of \$199,412 to complete the Final Environmental Impact Report;


or

Consider a possible future budget allocation for work by the proposed JPA should it be formed prior to FORA sunset.

COORDINATION:

Executive Officer

Prepared Kendall Flint and Approved by


Joshua Metz

FORT ORD REUSE AUTHORITY BOARD REPORT

BUSINESS ITEMS

Subject:	2018 Transition Plan Proposed Amendments	
Meeting Date:	March 12, 2020	INFORMATION/ACTION
Agenda Number:	8b	

RECOMMENDATION(S):

Review staff recommendations for proposed amendments to the 2018 Transition Plan and provide comments/direction for future revisions.

BACKGROUND/DISCUSSION:

The Board approved its 2018 Transition Plan at its December 19, 2018 Special Meeting. The document reflected the results of a collaborative effort involving all the member agencies. Upon recent review however, staff identified a number of sections in the Plan that should be reconsidered and/or modified to more closely reflect the direction the Board is taking as it moves toward to closure of the agency. This also more closely aligns with LAFCO’s oversight fort an orderly dissolution.

Section	2018 Text	Recommendation
1.3 Revenue Sharing and Financial Contribution	The Board hereby finds and determines that the Implementation Agreements with the Cities of Marina, Seaside, Monterey, and Del Rey Oaks and the County of Monterey require that each entity pay its fair and equitable share of the cost of the FORA Program (in accordance with the formulas expressed therein and subject to Constitutional or other limitations imposed by applicable law on such jurisdiction's funding obligations).	<i>There is no FORA Program to fund post June 30, 2020. Recommend this section be removed.</i>
1.4 Reuse Plan and Master Resolution	To the extent the policies and programs of the Reuse Plan and Master Resolution survive the dissolution of FORA, all assets and liabilities relating to those policies and programs are assigned to the underlying land use jurisdiction.	<i>The Board has no mechanism to enforce policies contained in the Master Resolution. Recommend this section be removed.</i>

	<p>The FORA Master Resolution includes a jobs/housing balance policy requiring provision of a minimum of twenty percent (20%) affordable housing on former Fort Ord lands and a target of ten percent (10%) workforce housing. The Board further finds and determines that the policies contained in the Master Resolution should be continued and enforced following FORA's dissolution. In particular, the Board finds that the prevailing wage policy established in 1996 to promote equitability and fairness to all workers on the former Fort Ord should be sustained in the completion of the former Fort Ord recovery program. The Cities of Marina, Seaside, Monterey and Del Rey Oaks and the County of Monterey are encouraged to take the necessary legal steps to adopt the Master Resolution policies by December 30, 2019; however, if they have not by then done so, staff is directed to record the Master Resolution in its entirety not less than one (1) month prior to the anticipated dissolution of FORA. Recording the Master Resolution is not intended to create any liabilities or obligations that do not already exist but instead is intended to preserve a permanent record of the policies contained in the Master Resolution. The Master Resolution may be accessed via Exhibit B - Reference Documents attached thereto and incorporated by this reference.</p>	
<p>1.5 Funding of</p>	<p>The Board hereby finds and determines that regional, integrated base-wide habitat</p>	<p><i>The Board has no authority to mandate fees for other</i></p>

<p>Habitat Protection</p>	<p>protection is best funded by the CFD Special Taxes or substantially similar base-wide replacement funding mechanisms. The Board has identified and set aside approximately 30.2% of collected CFD Special Taxes to be applied toward base-wide habitat management and finds that any replacement funding mechanism should be designed to generate similar levels of revenue for such purposes.</p>	<p><i>agencies. Recommend this section be removed.</i></p>
<p>2.1.3 Litigation Reserve Funds</p>	<p>Although not irrevocably committed to use for litigation or indemnification purposes and available to meet FORA's other needs, FORA holds funds identified for indemnification of LAFCO in the current approximate aggregate amount of \$300,000. Those funds are intended to cover the cost of any litigation or indemnification obligation now or still pending immediately before FORA's dissolution. In the event that as of immediately prior to FORA's dissolution no such litigation or indemnity obligation is pending, the unexpended balance of such reserves shall be applied to capital improvement program projects in accordance with the Final 2020 Capital Improvement Program and/or distributed in accordance with Transition Plan Implementing Agreements. If as of immediately prior to FORA's dissolution any litigation or indemnity obligation is pending against FORA, the unexpended balance of such reserves shall be distributed to the County of Monterey, as escrow holder, in accordance with Section 4.2 hereinbelow and managed in</p>	<p><i>Proposed changes based on Board Action to allocate \$500,000 to LAFCO:</i></p> <p>Although not irrevocably committed to use for litigation or indemnification purposes, FORA has transmitted funds identified for indemnification of LAFCO in the aggregate amount of \$500,000. Terms and conditions for these funds are provided for in the FOR A-LAFCO Indemnification Agreement executed December 18, 2019.</p>

	accordance with Section 4.3 hereinbelow.	
2.1.5 Capital Improvement Funds	<p>Except for those CFD Special Taxes specifically identified for the habitat conservation plan, all CFD Special Taxes collected and remaining unexpended immediately prior to FORA's dissolution shall first be directed to completing in progress construction projects as identified in FORA's final year CIP. Any CFD Special Taxes collected and remaining unexpended immediately prior to FORA's dissolution shall next be directed to completing other projects as identified in FORA's final year CIP. These capital improvement funds shall be transferred to the jurisdiction assigned responsibility for completing construction of the respective project, which shall be the jurisdiction in which the majority of the project is located if that jurisdiction has an executed Transition Plan Implementing Agreement. If there is no Transition Plan Implementing Agreement, those funds shall be redistributed to those jurisdictions with Transition Plan Implementing Agreements in proportion to the priorities of each project in the final year CIP unless provided otherwise in a Transition Plan Implementing Agreement.</p>	<p><i>Proposed changes:</i></p> <p>Except for those CFD Special Taxes specifically identified for the habitat conservation, all CFD Special Taxes collected and remaining unexpended immediately prior to FORA's dissolution shall first be directed to completing in progress construction projects as identified in FORA's final year CIP. These capital improvement funds shall be transferred to the jurisdiction assigned responsibility for completing construction of the respective project, which shall be the jurisdiction in which the majority of the project is located, provided there is a fully executed memorandum of agreement regarding the project between the jurisdiction and FORA.</p>
2.1.9 Real Property	<p>FORA is obligated to cause certain former Fort Ord property to be transferred to the underlying land use jurisdictions in accordance with the federal "Pryor Amendment" and as authorized by Section 67678(a) of the FOR A Act. Additionally, FORA is entitled to receive certain easements to enable implementation of the Reuse</p>	<p><i>Proposed changes:</i></p> <p>FORA is obligated to cause certain former Fort Ord property to be transferred to the underlying land use jurisdictions in accordance with the federal "Pryor Amendment" and as authorized by Section 67678(a) of the FORA Act. FORA has nominated the City of Seaside as its Successor to the Local Redevelopment Authority</p>

	<p>Plan. See item 127 in Exhibit A attached hereto and incorporated by this reference. As of the anticipated date of dissolution of FORA, not all real property interests will have transferred. Upon FORA's dissolution and the repeal of the FORA Act as of January 2021, the principal local public agent for acquisition, disposition and sale of real property transferred from the Army will need to be re-established through state legislation and/or federal designation and assignment of contractual rights. In particular, the landfill parcel currently located within the unincorporated portion of the County of Monterey but within the sphere of influence of the City of Marina will not transfer until sometime after 2022. Currently, the County is obligated to take the landfill parcel. See item 17 in Exhibit A attached hereto and incorporated by this reference. FORA staff shall seek all necessary legislation and approvals from the state and federal governments to enable the landfill parcel to be directly transferred to the County of Monterey or its designee. Necessary legislation and approvals from the state and federal governments for direct transfer of the landfill parcel may take a substantial amount of time to receive. The County is therefore requested to identify any designee recipient of the landfill parcel at least twelve (12) months prior to FORA dissolution in order to seek and receive such approvals and/or legislation for any designee recipient. If the County fails to timely specify a designee to receive the landfill parcel, the Army shall</p>	<p>and as such, once recognized by the Army, will assume this role.</p>
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	<p>transfer the landfill parcel directly to the County of Monterey.</p> <p>Additionally, there are parcels within the City of Seaside which will not transfer prior to 2020 due to a change in the State of California cleanup requirements for residential use. FORA staff is directed to work with the Army and the City of Seaside to bring resolution to potential transfer issues prior to June 30, 2020. In the event that no resolution(s) are reached, FORA shall seek all necessary legislation and approvals from the state and federal governments to enable the Seaside parcels to be directly transferred to the City of Seaside or its designee.</p>	
<p>2.2.6 Transportation and Transit</p>	<p>The Board finds that as of 2018, there are 19 transportation and transit projects identified in the capital improvement program. These projects are listed in Exhibit A attached hereto and incorporated by this reference. The City of Marina, County of Monterey, Transportation Agency of Monterey County ("TAMC") and Monterey Salinas Transit ("MST") are the identified lead agencies for 13 of 19 projects. Of those 13, FORA has reimbursement agreements in place with lead agencies City of Marina and County of Monterey. The Board identifies those Agreements (Documents 114 and 115) to be addressed in the new Transition Plan Implementing Agreements as to how revenue generation and revenue sharing will occur. Those Reimbursement Agreements shall terminate on June 30, 2020, unless otherwise addressed in the Transition Plan Implementing Agreements.</p>	<p><i>Recommend that this section be removed.</i></p>

	<p>The new Transition Implementing Agreements should also address contributions or mechanisms to lead agencies TAMC and MST to replace revenues generated by the expiring CFD Special Tax for their lead agency projects. With respect to the projects for which FORA is the lead agency and which no jurisdiction has addressed in its Transition Plan Implementing Agreement, FORA working in conjunction with TAMC shall prepare a regional traffic modeling analysis showing the inclusion of the FORA lead agency on-site roads as compared to the removal of the FORA lead agency roads on the remaining Fort Ord roads. In particular, off-site, regional and on-site Fort Ord local roads within or adjacent to the City of Marina, City of Seaside, City of Del Rey Oaks, and County of Monterey shall be analyzed to ascertain the impact on the Ord Community, including without limitation, California State University Monterey Bay ("CSUMB"), University of California Monterey Bay Science and Technology ("UC MBEST"), Monterey Peninsula College ("MPG"), the Veteran's Cemetery, the Army and the National Monument, and the regional network, so as to inform the last year CIP. The schedule for implementing transportation and transit projects shall be determined by the lead agency in consultation with the jurisdictions who are collecting revenue for the project, but nothing in this Transition Plan changes the authority or the discretion of a lead agency to determine whether, how or when to fund and construct any</p>	
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	<p>particular road or transit project. All future projects will be subject to compliance with all applicable law as it exists at the time of project approval and implementation. Any required project-specific CEQA review or compliance shall be the responsibility of the designated lead agency.</p>	
<p>4.1 Transition Plan Implementing Agreements</p>	<p>In order to continue to foster regional cooperation and completion of the FORA program, the Board requests that each affected entity and/or land holding member jurisdiction enter into a Transition Plan Implementing Agreement addressing how the respective entity or jurisdiction will generate revenues to meet its obligations as assigned in this Transition Plan or as agreed upon in the Transition Plan Implementing Agreements and include revenue sharing provisions between those that will generate revenues and those implementing CIP projects, and such other matters as may be required to implement this Transition Plan, together with a schedule of regular meetings to assess and update habitat, transportation, transit and water augmentation needs in Fort Ord. Notwithstanding that this Transition Plan requests that each member jurisdiction establish, adopt or participate in one or more replacement funding mechanism(s) and revenue sharing agreements that address all parts of FORA's final year CIP, this Transition Plan does not specify any specific funding mechanism. The Board strongly encourages all underlying jurisdictions with future prospective development to form</p>	<p><i>The Board has no mechanism to enforce proposed policies</i> <i>Proposed changes:</i></p> <p>In order to clarify roles and responsibilities post-FORA, the Board requests that each affected entity and/or land holding member jurisdiction enter into a Transition Plan Implementing Agreement.</p>

	<p>Community Facilities Districts (or adopt substantially similar replacement funding mechanisms) to replace the revenues which would have been raised by the CFD Special Taxes. Additionally, the Board encourages member jurisdictions to include in documents about future projects language which will obligate future development projects to pay a CFD Special Tax (or substantially equivalent replacement fees).</p>	
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FISCAL IMPACT:

None.

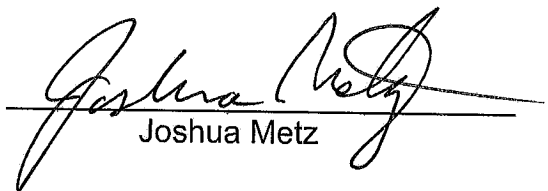
COORDINATION:

Authority Counsel, Administrative Committee, Habitat Working Group

ATTACHMENTS:

None.

Prepared by Kendall Flint, RGS and Approved by:


Joshua Metz