



Fort Ord Reuse Authority 2019 LEGISLATIVE AGENDA

This report outlines the 2019 Fort Ord Reuse Authority (FORA) legislative program, which defines Board policy, sets legislative, regulatory, or federal/state resource allocation/direction, and supports the 1997 Base Reuse Plan's (BRP) and the 2012 BRP Reassessment Report guidance. The Legislative Agenda is meant to assist state and federal agencies/legislative offices regarding property transfer, economic recovery/reuse, environmental remediation, habitat management/conservation, and infrastructure and mitigation funding. The order in which the tasks are presented herein does not imply ranking as each item is considered a "priority" in achieving FORA's objectives.

A. FORA 2018 TRANSITION PLAN LEGISLATIVE COORDINATION ISSUES

Issue:

FORA's June 30, 2020 legislative sunset calls for significant coordination on many items. Specifically, reports to the State Legislature, Local Agency Formation Commission (LAFCO) coordination, FORA jurisdiction interface, and ongoing risk analysis. Since the Board has adopted the 2018 Transition Plan and is implementing elements of that Resolution, working with local agencies is crucial. Coordination is beneficial/essential in traversing the long list of issues and reporting requirements, many of which have been recommended for legislative action to implement.

Benefits:

Collaborative efforts will help assure effective transition decisions or aid potential legislative actions prior to 2020 sunset.

Challenges:

State law requirements, contractual obligations, and inter-agency agreements will require intensive legislative multi-agency "negotiations." One of FORA's funding mechanisms (Mello Roos/Community Facilities District fee) is not within LAFCO jurisdiction and terminates at dissolution. Designating successor entity to assume FORA's liaison role of with active military and veteran community.

Proposed Position:

Coordinate and seek support from State Legislature (17th State Senate District and 29th State Assembly District) to assure 1) post-FORA funding for jurisdictions after FORA sunsets on June 30, 2020 in compliance with Title 7.85 of the Government Code entitled Fort Ord Reuse Authority Act, 2) so remaining jurisdictions future liabilities are covered or mitigated to avoid unfair responsibility or liabilities, 3) clarify authority of Local Area Formation Commission/FORA to assign obligations; 4) potential governance structure if needed; 5) survivability of existing contracts/agreements/documents/plans/policies; and 6) application of California Environmental Quality Act.

B. HABITAT CONSERVATION PLAN (HCP). Continue/enhance ongoing coordination with federal and state legislative representatives to secure HCP adoption and permit issuance to protect Fort Ord Habitat Management Plan flora and fauna resources.

Issue:

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

Benefits:

HCP approval protects valuable habitat, enables/permits effective regional economic recovery, and provides important amenities to area residents.

Challenges:

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

Proposed Position:

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

C. ECONOMIC RECOVERY/AFFORDABLE HOUSING SUPPORT. Support statewide and regional efforts to create local jurisdiction economic recovery, base reuse financing and consider/support innovative affordable housing & building removal funding.

Issue:

1. The loss of "redevelopment financing" and other refinancing tools to assist in implementing base closure recovery programs was a heavy blow to FORA's member jurisdictions. Redevelopment shut down also eliminated affordable housing funding. Jurisdictional funding has dropped and substitute financial tools to support economic reuse/recovery initiatives do not match past vehicles set up to support the replacement infrastructure and mitigations. FORA provided an initial two years of funding for an economic development program including staffing, engaging with regional partnerships and local agency program support. Additional programs are still required for building removal. Funding from the County of Monterey in this area has also been lost.
2. Affordable housing is a significant element in achieving economic development goals. Workforce housing is critical to re-locating or establishing companies. Recent elected Monterey Bay leadership has called for affordable housing support, identifying the former Fort Ord as an important real property resource.

Benefits:

Sufficient funding resources for the reuse and recovery from former Fort Ord closure and other military bases. Funding support for economic development programs, habitat management protection, building removal, or other infrastructure demands associated with the reuse programs. Removal of buildings that create a "ghost town" effect are a disincentive to investment. Programs like the Drone, Automation, Robotics and Technology (DART) initiative could reap regional/Fort Ord reuse benefits.

Challenges:

Obtaining agreement to use tax or special district funds to create special financing districts to support targeted economic recovery, affordable housing and/or infrastructure in a climate of limited resources. State funding sources are unclear and federal budgets have slashed economic development funds.

Proposed Position:

- Support legislation, activating local agency processes for economic development.
- Support establishment of Military Base Reuse “Recovery Zones,” or financing districts
- Support legislation for incentive-based mechanisms to strengthen jurisdictions’ ability to enable/implement base closure recovery programs.
- Consider the addition of newly adopted financing mechanisms for jurisdictional support for economic development/affordable housing.
- Engage/promote Opportunity Zones and secure federal funding.
- Continue funding and resource development for economic recovery.

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

Issue:

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

Benefits:

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

Challenges:

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

Proposed Position:

- Support DGS and CDVA construction expansion efforts.
- Support efforts to sustain priority standing for the CCCVC with CDVA and USDVA.
- Support proposed legislation to permit fiscal flexibility to meet fund matching requirements.
- Coordinate with federal agencies, the City of Seaside, the County of Monterey, the 20th Congressional District, the 17th State Senate District, and the 29th State Assembly District to sustain efforts to generate federal funding and/or status for future CCCVC expansion.
- Create/designate regional entity to coordinate CCCVC for post June 30, 2020 property transfer and advocacy activities.

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

Issue:

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

Benefits:

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

Challenges:

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

Proposed Position:

- Continue to work with MCWD to enable them to fulfill their contractual obligation to FORA for water resource augmentation.
- Support and coordinate efforts with MCWD, Monterey County Water Resources Agency, Monterey One, other agencies, and FORA jurisdictions to secure funding and/or support other funding mechanisms proposed for this purpose.
- Coordinate potential water bond funding for Monterey Bay region and FORA augmentation needs.
- Coordinate with the Department of Defense/Army for designated entity to oversee equitable distribution of Army water resources/rights that may become surplus to the military mission.

F. LEGISLATIVE COOPERATION WITH MONTEREY BAY AGENCY LEGISLATIVE ISSUES.

Issue:

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

Benefits:

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

Challenges:

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

Proposed Position:

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

G. ASSURING LONG TERM STEWARDSHIP OF MUNITIONS CLEANUP AREAS.

Issue:

FORA is scheduled to sunset June 30, 2020 and certain munitions funding terminates in 2019. There will be significant post FORA property management and post-remediation issues that will need to be managed. Those issues require resources, coordination and cooperation which are still being defined. Coordinate with Federal, State and local agencies on post-cleanup stewardship of munitions and explosives ordnance issues/areas. Seek additional funds from federal resources and pursue optimizing review processes to complete property transfers and consider a legislative clarification of both prevailing wages on the former Fort Ord and monitoring responsibility.

Benefits:

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

Challenges:

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

Proposed Position:

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

H. PREVAILING WAGES COORDINATION

Coordinate with 17th State Senate Districts and 29th State Assembly District to clarify the implementation of the FORA Prevailing Wage Policy and the enforcement provisions of SB 854, and the newly added regulatory and legislative adjustments of SB96 with the State Department of Industrial Relations.

Issue:

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

Benefits:

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

Challenges:

Establishing a legislative framework for successor agency to monitor and enforce Prevailing wage Policy may be difficult and is likely to be opposed by some jurisdictions and developers...

Proposed Position:

- Support legislative and regulatory coordination, state and federal resources, and strong advocacy to enable speedy reviews, compliance, enforcement and coordinated decisions.
- Coordinate with legislative offices to get the Department of Industrial Relations to broaden enforcement of contractual provisions.