



Testimony of Michael D. DeLapa, Executive Director, LandWatch Monterey County
FORA 2019 Legislative Agenda and Transition Draft Legislative Language

Good morning. Michael DeLapa, Executive Director, LandWatch Monterey County.

Somehow, between your approval of a transition plan in December and this past Monday when your staff released its legislative proposal, the wheels went off the bus. We ask that you get a new legislative bus.

Let's start with the obvious. Your staff's proposed amendments are inconsistent with the legislative mandate to sunset FORA in 2020. They would perpetuate FORA until the final building permit is pulled for any approved project that has an obligation to pay the CFD tax or to contribute to a "replacement funding mechanism." In essence, FORA would exist virtually forever.

Your staff's proposal also ignores what local governments have repeatedly asked for: autonomy in future planning and infrastructure development. The legislative proposal would authorize the FORA CFD Board (1) to decide what counts as the "regional needs" for "habitat management, transportation, transit, and water supply augmentation," (2) to decide when and what projects to fund, and (3) to disburse or not disburse money for these projects. The proposal also requires that the land use agencies "continue to fund regional needs." The FORA CFD Board would therefore continue to have essentially the same powers over infrastructure it has now.

And then there's the problem of the CEQA exemption. As drafted, the proposed amendments provide a broad CEQA exemption for future implementation actions that goes well beyond mere organizational changes.

The law requires that FORA create a transition plan and sunset. That means ends. There are so many problems with your staff's proposal – as LandWatch attorney John Farrow has pointed out in exacting detail – that your only option in meeting the legislative "sunset" requirement is to

scrap everything your staff has done, go back to the transition plan, and develop language that is consistent with the plan and responsive to local governments' wishes for autonomy in future planning and infrastructure development.

Don't try to fix the legislative bus. Get a new one.

I'll make two additional observations from the staff's presentation and Board discussion:

1. It would be irresponsible for this board to react to the last minute changes that staff presented today. The legislative proposal demands careful legal review. There has been none. There is a very significant disconnect between the staff presentation and the language in front of you.
2. The suggestion that the FORA board needs to act today because there is a legislative deadline is disingenuous. FORA has known for more than 20 years that it would be sunseting and has known for that long that it would need to submit legislation. It is ridiculous to be rushing now to write legislation.