

STUDY MATERIAL ON WHETHER OR NOT FORA SHOULD SUNSET IN 2020

The League studied the reuse of Fort Ord in 1992. Members voted in 2017 to update its position to address whether or not FORA should sunset in 2020 as required by statute. While FORA was never intended to be a permanent agency and sunseting of FORA is required by legislation, some in the community have advocated that it should continue until development identified in the Fort Ord Reuse Plan is completed. The study evaluates FORA's performance during its 24 year history based on six governance criteria. It also addresses and evaluates ways to transfer FORA's responsibilities to other agencies after it sunsets.

Question: Should the Fort Ord Reuse Authority (FORA) Sunset in 2020?

I. **Background: Establishment of the Fort Ord Reuse Authority - Summary**

In 1994, the California Legislature passed the **Fort Ord Reuse Authority Act** (effective 5/9/94 for 20 years). The Legislature established the following goals:

- (a) To facilitate the transfer and reuse of the real and other property comprising the military reservation known as Fort Ord with all practical speed.
- (b) To minimize the disruption caused by the base's closure on the civilian economy and the people of the Monterey Bay area.
- (c) To provide for the reuse and development of the base area in ways that enhance the economy and quality of life of the Monterey Bay community.
- (d) To maintain and protect the unique environmental resources of the area.

The authority shall be governed by a board of 13 members composed of the following:

- (1) One member appointed by the City of Carmel.
- (2) One member appointed by the City of Del Rey Oaks.
- (3) Two members appointed by the City of Marina.
- (4) One member appointed by Sand City.
- (5) One member appointed by the City of Monterey.
- (6) One member appointed by the City of Pacific Grove.
- (7) One member appointed by the City of Salinas.
- (8) Two members appointed by the City of Seaside.
- (9) Three members appointed by Monterey County.

Each agency represented by a board member shall contribute to the authority the sum of fourteen thousand dollars (\$14,000) for each board member that the agency appoints. Each public agency which is represented on the board by an ex officio member shall contribute to the authority the sum of seven thousand dollars (\$7,000).

The board shall prepare, adopt, review, revise from time to time, and maintain a plan for the future use and development of the territory occupied by Fort Ord as of January 1, 1993.

The **Fort Ord Reuse Plan** shall include all of the following elements:

- (1) A land use plan which shall designate areas of the base for residential, commercial, industrial, and other uses, and may specify maximum development intensities and other standards and criteria. The land use plan shall provide for public safety.
- (2) A transportation plan for the integrated development of a system of roadways, transit facilities and air transportation facilities.
- (3) A conservation plan for the preservation, development, use, and management of natural resources within the area of the base, including, but not limited to, soils, shoreline, scenic corridors along transportation routes,

open spaces, wetlands, recreational facilities, historical facilities, and habitat of, or for, exceptional flora and fauna.

(4) A recreation plan for the development, use, and management of the recreational resources within the area of the base.

(5) A five-year capital improvement program to include an allocation of the available water supply, sewage treatment capacity, solid waste disposal capability, and other limited public service capabilities among the potential developments within the area of the base.

In preparing, adopting, reviewing, and revising the reuse plan, the board shall be consistent with approved coastal plans, air quality plans, water quality plans, spheres of influence, and other county-wide or regional plans required by federal or state law, other than local general plans, including any amendments subsequent to the enactment of this title, and shall consider all of the following:

(1) Monterey Bay regional plans.

(2) County and city plans and proposed projects covering the territory occupied by Fort Ord or otherwise likely to be affected by the future uses of the base.

(3) Other public and nongovernmental entity plans and proposed projects affecting the planning and development of the territory

The board shall aggressively pursue all possible federal funding for the transfer, cleanup, and reuse of Fort Ord, including funding to pay for the costs of public capital facilities and funding to attract and encourage the development of private businesses and public universities and other public facilities within the area of the base. The board may also pursue and accept federal and state funding to pay part of the expenses of operating the Fort Ord Reuse Authority.

The Sierra Club challenged the Final EIR after the Base Reuse Plan (BRP) was adopted. Its lawsuit claimed that the BRP did not adequately consider constraints on water supply or traffic impacts of envisioned development. In 1998 the case was settled with the addition of Chapter 8 to FORA's Master Resolution, a legally binding document. Chapter 8 added environmental stringency to future land use decisions.

In 2011 the Sierra Club's attorney found that FORA was not meeting the terms of Chapter 8 in numerous areas and it had not created best practices design guidelines for all developments, as required by the BRP.

In 2013 it was discovered by land use activists that Chapter 8 had been subjected to "minor corrections" by FORA staff (approved by the Board in 2010), which illegally changed its wording. Chapter 8 previously said that the FORA Board "shall disapprove land use decisions that are not consistent with the BRP" It was changed to say the FORA Board "may disapprove land use decisions that are not consistent with the BRP." This gave the Board the discretion to violate the terms of the BRP.

In violation of the 1998 settlement, the Sierra Club was not notified of the changes. Coincidentally these changes occurred in early 2010, shortly before developer Brian Boudreau signed a contract to begin work on the (since failed) Monterey Downs project. When the changed wording was discovered, the Executive Director blamed FORA's attorney for "making a mistake". The original wording was restored shortly thereafter.

In 2012, by an act of the California Legislature, FORA's sunset date was extended from 2014 to 2020. This legislation states that the FORA board must approve and submit a transition plan to the Monterey County Local Agency Formation Commission by December 30, 2018. The transition plan shall assign assets and liabilities, designate responsible successor agencies, and provide a schedule of remaining obligations. The transition plan shall be approved only by a majority vote of the FORA board.

II. Major FORA Responsibilities

- A. Adopt and Implement a Base Reuse Plan (BRP): A BRP was adopted in 1997 addressing the five required elements. Chapter 8 to the Master Resolution also addresses BRP policies. The BRP has not been updated or amended to address changes in circumstances such as the financial crisis, population forecasts, speed of buildout and water supply in the 21 years since adoption.

After the general plan has been adopted, Government Code section 65400(a)(2)(A) requires the planning agency to provide an annual report to its legislative body, OPR, and HCD on the status of the plan and progress in its implementation. FORA has not prepared any annual reports that address this legislative requirement.

The Plan calls for a total of 22,000 residential units (BRP, p. 281). Of this number, 5,100 units are designated for CSUMB. AMBAG 2014 population forecasts show a total of 1,579 units on the former base. Subtracting units for CSUMB and existing units, leaves a projected number of new units at 15,321. As of May 2018, 3,884 units have been approved, of which 990 have been built. Using a buildout number of 6,100 units that reflects the constraints included in the Master Resolution, this leaves 2,216 units that can be approved (6,100 units minus 3,884 units). Using the BRP buildout number of 15,321 units leaves 11,437 units that can be approved (15,321 units minus 3,884 units). FORA projected 2028 as the year of buildout, which is overly optimistic, since only 990 units have been built in the last 21 years.

- B. Ensure that mitigation measures required under the California Environmental Quality Act (CEQA) are implemented: The Final EIR for the BRP included 13 mitigation measures including one amendment to the BRP regarding FORA’s fair-share contribution to regional road projects. The plan was never amended.

CEQA Guidelines require (Section 15097 (b):

Where the project at issue is the adoption of a general plan, specific plan, community plan or other plan-level document (zoning, ordinance, regulation, policy), the monitoring plan shall apply to policies and any other portion of the plan that is a mitigation measure or adopted alternative. The monitoring plan may consist of policies included in plan-level documents. The annual report on general plan status required pursuant to the Government Code is one example of a reporting program for adoption of a city or county general plan.

As noted above, reports addressing CEQA requirements have never been prepared. A Reassessment Report in response to the Master Resolution was prepared in 2012 that addressed implementation of the BRP. It showed that 21% of general plan policies had not been implemented

- C. Consistency findings: Legislation establishing FORA requires that general plans and land use projects be found consistent with the BRP by the FORA Board. Consistency findings have been made for Marina, Seaside, Del Rey Oaks, and Monterey general plans. Monterey County’s 2010 General Plan has not been found consistent. Land use projects must also be consistent with the BRP. The Whispering Oaks and Monterey Downs projects were withdrawn by local jurisdictions before they were presented to FORA for consistency findings.

In 2004 the FORA Board found the Seaside General Plan consistent with the BRP ignoring the map in the Seaside General Plan showing a 50 acre community park as high density residential in the Parker Flats region. In 2005

University Villages (the Dunes) was found consistent even though Marina Coast Water District found there was no long-term water supply, the proposed shopping center was identified as mixed use in the BRP, and the Highway 1 Design Guidelines were ignored. In 2016 the Del Rey Oaks's Monument RV Resort was found consistent even though the project is inconsistent with the Del Rey Oaks General Plan land use designations. In 2018 the Board found the Seaside Zoning Ordinance consistent even though the City had yet to address the findings in the 2012 Reassessment Report which found it inconsistent with the BRP.

- D. Implement funding mechanisms: Funding for FORA includes general fund revenues and capital improvement funds. General fund revenues are comprised of membership dues, franchise fees, rental income, up to \$1.3 million of property tax payments (tax increment) and investment/interest income. The 2018-19 budget shows a total of \$2.5 million from these sources.

Of particular note is FORA's retention of the authority to collect a tax increment even though redevelopment agencies were abolished by the State in 2012. With increasing development on Fort Ord, the amount of tax increment collected by FORA will continue to increase annually. In 2015-16 FORA collected \$1.6 million in property tax. Tax increment payable to FORA is calculated on the assessed value of all former Fort Ord property. Property tax revenues are allocated \$1.3 million to the general fund, and any amount exceeding \$1.3 million is committed to funding the Capital Improvement Program (CIP) budget.

Capital funds are comprised of the tax increment in excess of \$1.3 million, Community Development Fees (CDF fees, often referred to as Development Fees), and land sales revenues. Capital projects for 2018-19 include completion of FORA's building removal obligations, estimated at \$9.6 million; mandated/obligatory habitat management responsibilities; and development of transportation; and water augmentation. Land sale revenues are shared 50/50 with the jurisdiction in which the land is located. By Board policy, land sale revenues are used first to complete FORA's building removal obligations (estimated to be \$9.6 million). Land sale revenues in excess of this obligation will be used to fund other CIP projects. FORA is mandated by Government Code Section 67683 to pursue all possible federal funding for the transfer, cleanup, and reuse of Fort Ord. (See discussion under item E below).

Legislation provided FORA with many options for establishing a fair and equitable funding structure to achieve the objective of financing public facilities. The FORA Board created a Community Facilities District (CFD) under authority of the Mello-Roos Community Facilities Act of 1982. An obligation is imposed on the developer to pay a set development fee for each residence built and for commercial space. Currently the development fee is approximately \$24,000 per residence payable upon the developer pulling the permit to build. These development fees are 100% used for capital improvement projects, inclusive of a 30% allocation to the habitat management planned endowment.

When FORA sunsets, the cities, County and Marina Coast Water District will retain membership fees and 100% of rents within jurisdictional boundaries. Tax increments will be restored to K-14 education and FORA's member jurisdictions, primarily the County. Land sale revenues will be retained by the jurisdictions where sales occur. FORA CFD is not assignable and each jurisdiction may create a CFD under the same Mello-Roos authority to generate replacement of income payable by developers for future projects. For the six entitled projects now existing, the County, Marina, and Seaside may secure contractual commitments from developers to collect an amount equivalent to the FORA CFD. Functions undertaken by the CFD will be transferred to each jurisdiction with development on Fort Ord.

- E. Work with Army for Munitions Cleanup: Under the Federal Facility Agreement, the Army was designated as the lead agency and ultimately responsible for the Fort Ord Cleanup, while the U.S. Environmental Protection Agency is the lead regulatory agency. According to the Army <http://fortordcleanup.com/about/cleanup->

[background/](#)“Fort Ord’s environmental cleanup program is complex and wide-ranging. The major issues are groundwater contamination, a landfill, soil contamination, and military munitions and the associated prescribed burns conducted to prepare areas for munitions cleanup. The Army’s current fieldwork includes munitions cleanup, as well as operating groundwater treatment systems and maintaining the landfill cover system. Considerable progress has been made toward completing the cleanup; however, additional work remains to be done.”

The EPA’s Fort Ord Community Advisory Group (FOCAG) documented in June, 2012, the “Failures of Fort Ord’s Cleanup” <http://1hope.org/hopeblog/fort-ords-toxic-cleanup-tragedy/>. The concerns include 1. Lead dust; 2. Toxics in drinking water; 3. Uncontrolled intentional burning; 4. Unexploded ammunition left in development areas; 5. Landfill toxic gas and water leaks; 6. Hiding vital cleanup information; 7. Avoidance of expert concerns and better alternatives; and 8. Lack of oversight and conflict of interest between EPA and DoD.

On March 30, 2007 the Army transferred property to Fort Ord Reuse Authority (FORA) as part of an agreement known as the Environmental Services Cooperative Agreement (ESCA). In this agreement, FORA committed to complete the evaluation of MEC (munitions and explosives of concern) hazards on about 3,340 acres of the former Fort Ord and to take any remedial actions deemed necessary to protect human health and the environment with respect to MEC, based on future uses.

FOCAG opposed the ESCA transfer in a position paper on Jan 31, 2008, citing specific concerns including 1. Dilution of accountability; 2. Taxpayer boondoggle; 3. No local jobs and lack of community involvement; and 4. ESCA agreement violation of Superfund statute.

http://web.archive.org/web/20110531214123/http://www.fortordcag.org:80/PrivateCleanup/FinalFOCAGPosition_Paper_to_FORA.pdf

The Army provided approximately \$100 million to FORA via ESCA, and FORA spent \$95 million on an insurance policy with AIG Insurance, which became responsible for contracting for and guaranteeing the remedial work. The contractor hired was Arcadis US Inc. AIG took on the risk of completing the remediation and would be liable for costs up to \$128 million. If the work cost more than that, the Army would fund the difference, up to \$143 million. If it cost less, then AIG would pocket the difference. This is the first time such an agreement has been used on this scale. ESCA invoices show that AIG will profit significantly from this policy.

FORA was sued by Keep Fort Ord Wild (KFOR) in 2012 on the basis of the California Public Records Act because FORA would not provide information about how the public’s money was spent on the AIG insurance policy for munitions clean up. FORA could not even provide a copy

<http://www.montereyherald.com/article/zz/20121201/NEWS/121208819>

KFOR won, gained access to the FORA files and found the actual policy there. KFOR also found an un-invoiced expenditure of \$3.5 million (approved by the FORA Executive Director) and paid to the contractor who procured the policy/ See <http://www.montereyherald.com/article/zz/20120508/NEWS/120508024>. It remains unknown why the \$3.5 million was paid or what happened to the remaining funds from the \$100 million.

On Dec 7, 2017 FORA stated that “the remedial investigation and other field work is now complete under the initial ESCA terms, and the field work is now being confirmed through the regulatory approval process. Once munitions remediation responsibilities receive regulatory approval, the ESCA property will be transferred from FORA to local jurisdictions.” In addition, “FORA will receive a \$6.8M ESCA amendment from the U.S. Army to pay for munitions removal reporting and related long-term stewardship. The ESCA amendment will fund administrative and regulatory oversight costs for 2 years and Army post-transfer munitions obligations through 2028.”

- F. Ensure pension payments: FORA has a staff of 16 full-time equivalent (FTE) employees. Annual salaries and benefits totaled \$2.3 million in 2017. A fund has been established by the FORA Board to pay CalPers obligations after FORA sunsets.
- G. Enforcement of Affordable Housing and Prevailing Wage Requirements: Enforcement of affordable housing requirements resides with the cities and County, not with FORA. Chapter 8 of the Master Resolution requires 20% of projects be for affordable housing. Additionally, all FORA land use jurisdictions except for Del Rey Oaks have inclusionary housing ordinances requiring a certain percentage of affordable housing for new development.

The Master Resolution also requires prevailing wage on work performed under development entitlements on parcels subject to the BRP for “First Generation Construction”, i.e., construction performed prior to issuance of a certificate of occupancy. FORA member agencies are required by their Implementation Agreements to require this of developers through a deed restriction in property transferred to developers. FORA currently does not have a responsibility to enforce prevailing wage requirements beyond its public work projects.

When FORA sunsets, member agencies will not be subject to the Master Resolution and will no longer be required to condition property transfers with prevailing wage obligations. However, prevailing wage obligations will continue to apply to development on parcels obtained at below market price because that is dictated by statute (Labor Code section 1771).

- H. Blight Removal: Although FORA is not directly responsible for blight removal, State legislation requires the board to “aggressively pursue all possible federal funding for the transfer, cleanup, and reuse of Fort Ord, including funding to pay for the costs of public capital facilities and funding to attract and encourage the development of private businesses and public universities and other public facilities within the area of the base.” Additionally, blight removal has been one of the public’s highest priorities from the beginning.

FORA failed to secure State or federal funding for blight removal. The primary responsibility for blight removal was transferred to the cities, County and CSUMB. CSUMB secured funding to help remove blights on its site. The FORA Board recently approved \$4.2 million to fund removal of the last remaining buildings in Marina that FORA pledged to remove. Another 300 buildings need to come down; however, the only other buildings FORA plans to remove before 2020 are in the “Surplus II” area just north of Gigling (the Campus Town development). Failure of FORA to address this issue in a timely manner will leave local jurisdiction with a bill of at least \$49 million to address blight removal when FORA sunsets with no funding mechanism currently in place.

- I. Seawater Intrusion: Program B-1.2 of the FEIR requires: “The City/County shall work with FORA and the MCWRA [Monterey County Water Resource Agency] appropriate agencies to determine the feasibility of developing additional water supply sources for the former Fort Ord, such as water importation and desalination, and actively participate in implementing the most viable option (s).”

Water supply issues were identified as Category IV matters in the 2012 Reassessment Report. This category is subject to future consideration by the FORA Board:

Category IV – Policy and Program Modifications: This category consists of potentially substantive policy or program modifications to the BRP that may require full FORA Board consideration and public review prior to implementation. As the FORA Board makes determinations about which options it may wish to pursue, staff will make a determination about the required level of environmental review. The full wording of the modifications would be developed by staff based on direction from the FORA Board.

No action has been taken by the FORA Board on this matter.

- J. Preparation of a Transition Plan: FORA is required to prepare a transition plan pursuant to 2012 legislation. The Transition Plan is to be submitted to the Local Agency Formation Commission by December 31, 2018. FORA's initial efforts to address the legislation resulted in a transition plan that extended FORA rather than assigning assets and liabilities, designating responsible successor agencies, and providing a schedule of remaining obligations as required. A Transition Plan has yet to be completed.

Transition planning could have begun immediately after the 2012 legislation was passed. Instead, serious efforts were not undertaken until 2018 leaving complex issues related to financing blight removal and mechanisms for transfer of funding to cities and the County still to be fully resolved. LAFCO released a report in August indicating that based on efforts to-date, a final transition plan will probably not be available by December 2018.

- k. Local Redevelopment Authority: The Army will recognize only a single Local Redevelopment Agency during the implementation phase of the BRP for the purpose of conveying surplus federal property. Surplus property has been conveyed to FORA at no cost through the Economic Development Conveyance for FORA's subsequent conveyance of that property to developers. Contracts are assignable to a designated entity.

III . Ways to Implement a Transition

- A. Land Use Projects and Consistency: Discretionary land use projects are required to be consistent with the BRP. That requirement will continue to be met by the cities and County through local consistency findings. The cities have adopted general plans that are consistent with the BRP. Additionally, deed restrictions have been recorded on affected parcels requiring consistency. Finally, CEQA requires EIRs for all projects to address consistency with applicable plans. The County's 2010 General Plan has yet to be determined to be consistent. The County should submit its General Plan to FORA for a consistency finding in 2018-2019.
- B. Transportation: Implementation of the BRP transportation plan and mitigation measures could be delegated to the Transportation Agency for Monterey County (TAMC), cities and County. Except for former Fort Ord, TAMC is the countywide transportation planning agency.
- C. Funding Mechanisms: To replace the Community Facilities District (CDF) taxes currently imposed on the six entitled development projects, Marina, Seaside and County can negotiate contractual terms for a CFD-replacement payment with each of the entitled projects. Post-FORA legal obligations related to CEQA mitigation measures, etc. can be allocated to the land use agencies via a Memorandum of Agreement. Transportation projects can be funded by affected local jurisdictions and TAMC's regional transportation impact fee. Funding of the Habitat Conservation Plan may be accomplished with a MOU or JPA to collect funds and implement the already approved Habitat Management Plan and a Habitat Conservation Plan, if adopted. FORA has established a trust fund to assure CalPERS future pension payments.
- D. Water Supply and Sewage Disposal: The Marina Coast Water District currently provides these services to projects on the former Ft. Ord. It will continue in that capacity.
- E. Role of the Local Agency Formation Commission (LAFCO): As described above, LAFCO's responsibility is to approve the dissolution.

- F. Changing FORA Plan: Local jurisdictions could amend their plans and parcel restrictions through the initiative process. This process was recently used by the City of Del Rey Oaks to approve a recreational park that was inconsistent with the BRP. Although inconsistent, the FORA Board found the project consistent with the BRP.
- G. Removal of Remaining Munitions: ESCA has completed munitions removal. Monitoring and reporting will continue through 2028 and the cities or the County could undertake this responsibility. The unexpended portion of \$6.8million is assignable to the successor entity for this purpose.
- H. Habitat Conservation Plan: A joint powers agency has already been proposed to implement the plan, take possession of the CFD funds collected by FORA for this restricted use, and collect future contributions from developers. The planning function is an on-going responsibility.
- I. Prevailing Wage Requirements: Prevailing wage obligations will continue to apply to development on parcels obtained at below market price because that is dictated by statute (Labor Code section 1771). Additionally, the Sierra Club will have standing to sue to enforce the Master Resolution to enforce affordable housing and prevailing wage requirements based on the court judgement leading to the Master Resolution.
- j. Local Redevelopment Authority: One of the jurisdictions with future development on the former Fort Ord can be designated as the local redevelopment authority.
- k. Blight Removal: Jurisdictions with future development on the former Fort Ord can use proceeds from land sales and apply for grants.

IV. Governance Criteria. The table below provides a summary of the issues involved in making the decision to continue FORA or to sunset it at the statutory date in 2020. The judgment is based on the following criteria:

- A. Accountability to Public: How accountable to the public is each of the alternatives?
- B. Effectiveness: How effective has FORA been at implementing and enforcing responsibilities?
How effective would the alternatives to FORA be in implementing and enforcing remaining responsibilities?
- C. Transparency: Are decision-making processes transparent to the FORA Board and public? Are decision-making processes transparent for the alternatives?
- D. Feasibility: Are implementing responsibilities feasible for FORA or successor agencies?
- E. Efficiency: How efficient has FORA been in implementing its responsibilities?
How efficient would the alternatives be?
- F. Fiscal Responsibility: Does FORA have an incentive to perpetuate self?
- G. Regionalism: How effective has FORA been in achieving a regional approach? How effective would the alternatives be?

V. The table below is an evaluation of the two alternatives of continuing FORA and sunsetting FORA. In doing this, seven criteria are used in judging the governance under each alternative.

Governance Criteria	Continuing FORA		Sunsetting FORA	
	Positive	Negative	Positive	Negative -
Accountability	<p>Subject to Brown Act, Conflict of Interest Requirements and Public Records Act</p> <p>FORA Board actions must be returned for reconsideration if a vote is not unanimous. If not unanimous, the required second vote enables jurisdictions additional time to evaluate the proposed action.</p>	<p>FORA Board is not directly elected. Changing the membership of the Board is difficult since members are appointed and not directly elected. Some Board members are not directly affected by decisions they make as FORA Board members.</p> <p>The requirement for unanimous votes for initial approval delays decisions for at least one month for reconsideration. FORA procedures are unnecessarily cumbersome.</p>	<p>Subject to Brown Act, Conflict of Interest Requirements and Public Records Act</p> <p>Many successor agencies are directly elected and more accountable to their constituencies, e.g., cities, County, MCWD</p> <p>Jurisdictions with single vote require majority vote and expedited process by 30 days</p>	<p>TAMC is not directly elected. Changing the membership of the Board is difficult since members are appointed and not directly elected.</p>
Effectiveness	<p>Adopted the BRP.</p> <p>Prepared FEIR.</p>	<p>Failed to prepared annual reports on BRP implementation and CEQA mitigation measures.</p> <p>Failed to update BRP in over 20 years.</p>	<p>Cities and County will implement their portion of BRP and applicable BRP policies and mitigation measures.</p> <p>BRP restrictions and requirements will continue to be</p>	<p>Developers can circumvent BRP through initiative process.</p>

	<p>Will satisfy balance of FORA obligation to blight removal prior to 2020</p> <p>Helped with munitions cleanup.</p> <p>Helped prepared Habitat Conservation Plan</p> <p>Built roads that met internal road needs.</p> <p>Provides procedures for consistency findings.</p> <p>Implemented a water allocation system.</p> <p>Has begun preparation of a Transition Plan.</p> <p>Is a mechanism for regional focus</p>	<p>Failed to effectively address blight in a timely manner</p> <p>Failed to fully account for grant funding to help with munitions cleanup</p> <p>Did not meet regional transportation responsibilities</p> <p>Rubber-stamped consistency findings except for County of Monterey 2010 General Plan. Failed to make valid consistency findings.</p> <p>Developers can circumvent BRP through initiative process.</p> <p>Failed to address seawater intrusion.</p> <p>Has failed to prepare a Transition Plan in a timely manner.</p> <p>Adopted a funding structure that will not fully fund transportation obligations, habitat conservation obligations and water augmentation.</p>	<p>implemented since deed restrictions for all appropriate properties have been completed.</p> <p>TAMC would integrate FORA road requirements into its planning and implementation process.</p> <p>BRP restrictions and requirements will continue to be implemented since deed restrictions for all appropriate properties have been completed.</p> <p>Cities, County and water districts required to address seawater intrusion through Groundwater Sustainability Planning.</p> <p>Successor agencies exist for all general government functions and have the authority and capability to accept those functions.</p> <p>Incomplete BRP mitigations will continue</p>	<p>Like FORA, Cities and County do not have resources to address blight and must rely on developers or apply for grants</p> <p>Assuring implementation of water allocation system uncertain.</p>
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	<p>Ensured implementation of affordable housing requirements in Master Resolution.</p> <p>Helped prepare Habitat Management Plan</p>	<p>Failed to effectively address affordable housing needs.</p>	<p>to be in the work plans of successor agencies.</p> <p>FORA funding associated with those functions should transfer with those functions.</p> <p>Jurisdictions will have ability to enact new funding mechanisms, e.g., Mello-Roos, impact fees, etc</p> <p>Cities and County have responsibility to implement State and local affordable housing requirements.</p> <p>Responsibilities to habitat conservation is already the responsibility of an established JPA.</p>	
<p>Transparency</p>	<p>Required to meet the Brown Act and ethics rules.</p>	<p>Places public comments at end of meeting – usually late on a Friday afternoon. Many key recommendations are made in committee with limited Board engagement.</p> <p>In 2010 FORA attorney swapped the word “shall” for “may” in Chapter 8 of the Master Resolution, giving FORA discretion to approve or reject Monterey Downs.</p>	<p>Required to meet the Brown Act and ethics rules. Most local jurisdictions include public comments at the beginning of meetings.</p> <p>Many local jurisdictions have planning commissions or advisory committees giving the public an opportunity for early input .</p>	<p>Many key recommendations are made in committee with limited Board engagement.</p>

<p>Efficiency</p>	<p>FORA has large staff capable of implementing tasks efficiently.</p>	<p>Total salaries and benefits will exceed \$2.9 million in fiscal year 2018-2019. FORA’s operating budget exceeds \$5 million annually</p> <p>PERS obligations will continue to increase annually with limited funding. The Executive Officer’s salary is greater than the governor’s.</p>	<p>Sunsetting FORA would save \$5 million annually which could be used by successor agencies to fund local projects and staff support. Many tasks would be subsumed in existing work of successor agencies avoiding duplication.</p> <p>Pension payments for former FORA employees are ensured.</p>	
<p>Feasibility</p>	<p>FORA has staff to meet its responsibilities</p>	<p>Continuation is not feasible under existing law.</p> <p>BRP Buildout by 2029 is infeasible based on the housing market demand and historical construction.</p>	<p>TAMC could immediately undertake transportation planning and implementation</p> <p>Responsibilities to habitat conservation is already the responsibility of an established JPA.</p>	
<p>Regionalism</p>	<p>FORA has the role of providing leadership on regional issues.</p> <p>Cities with no land use projects on FORA have opportunity to participate in regional decisions.</p>	<p>While FORA’s institutional structure was established to ensure that regional impacts of FORA development were addressed, FORA has failed to meet its regional obligations. For example, FORA recently approved the Eastside Parkway that fails to meet regional needs, and FORA has not paid its full share of regional impact fees.</p>	<p>TAMC is a regional transportation planning agency which addresses regional transportation needs.</p> <p>Cities and County would continue to address local transportation needs within their jurisdictions.</p>	