



League of Women Voters of Monterey County

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April 22, 2019

Senator Anthony Portantino
Chair, California Senate Appropriations Committee
State Capitol Room 3086
Sacramento, CA 95814

Appropriations Committee Staff Director Mark McKenzie
mark.mckenzie@sen.ca.gov

Subject: SB 189 – Extension of the Fort Ord Reuse Authority (FORA)

Dear Chair Portantino and Members of the Appropriations Committee:

The League of Women Voters of Monterey County urges you to vote no on SB 189. The League completed a study in 2018 on whether or not FORA should sunset in 2020. FORA's performance during its 24 year history was assessed based on six governance criteria. The League also studied ways to transfer FORA's responsibilities to other agencies after it sunsets. 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 by Fort Ord Base Reuse Plan (BRP) is completed or for up to 10 years. Based on membership consensus, the LWVMC adopted the following position:

The LWVMC believes that FORA should sunset at the statutory date in 2020 based on an evaluation of its past performance and the availability of alternatives to undertake FORA responsibilities.

The League's specific findings follow. The following governance criteria were used to evaluate FORA's past performance as well as agencies that could assume FORA's responsibilities: Accountability, Effectiveness, Efficiency, Transparency, Regionalism and Feasibility. The League's background information and findings are available upon request. A summary of findings follow:

Accountability: The 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. Many successor agencies are directly elected and more accountable to their constituencies.

Effectiveness: FORA failed to effectively address blight in a timely manner and passed the responsibility and costs onto the individual jurisdictions. This leaves local jurisdictions with a bill of at least \$49 million to address blight removal when FORA sunsets with no funding mechanism currently in place. FORA failed to update the Base Reuse Plan (BRP) in over 20 years and to prepare annual reports on BRP implementation and mitigation measures identified in the environmental impact report as required by the California Environmental Quality Act.

FORA failed to make valid findings of consistency of general plans and projects with the BRP on numerous projects. FORA failed to address seawater intrusion as required by BRP policies. After the transition, seawater intrusion will be addressed through Groundwater Sustainability Planning.

FORA failed to prepare a Transition Plan in a timely manner and is actively pursuing a further extension. FORA transferred the responsibility for addressing affordable housing needs to the cities and County where it will be addressed after the transition.

FORA adopted a funding structure that will not fully fund transportation obligations, habitat conservation obligations and water augmentation.

Successor agencies exist for all general government functions and have the authority and capability to accept those functions. Incomplete BRP policies will continue to be the responsibility of successor agencies. FORA funding associated with those functions should transfer with those functions. Jurisdictions have the ability to enact new funding mechanisms, e.g., Mello-Roos, impact fees, etc.

Efficiency: FORA has a large staff with total salaries and benefits which will exceed \$2.9 million in fiscal year 2018-2019. FORA's operating budget exceeds \$5 million annually.

Sunsetting FORA would save \$5 million annually which could be used by successor agencies to fund local projects and staff support. A trust fund has been established to address pension obligation after FORA sunsets.

Transparency: FORA places public comments at end of meetings – usually late on a Friday afternoon. Many key recommendations are made in committee with limited Board engagement. In 2010 FORA attorney illegally changed wording in Chapter 8 of the Master Resolution, giving

the Board discretion to violate the terms of the BRP. The changes were later withdrawn.

FORA failed to fully account for the Environmental Services Cooperative Agreement (ESCA) grant funding for munitions cleanup.

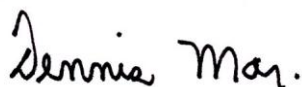
Regionalism: While FORA's institutional structure was established to ensure that regional impacts of FORA development were addressed, FORA has failed to meet its regional obligations. For example, FORA recently approved the Eastside Parkway that fails to meet regional needs, and FORA has not paid its full share of regional impact fees.

Feasibility: Continuation is not feasible under existing law which requires that FORA sunset in 2020. Extension would require new state legislation. FORA staff has indicated that buildout of all BRP projects will occur by 2029. This is infeasible based on the housing market demand and historical construction

The Cities of Seaside and Marina and the County of Monterey have either completed or are well underway in finalizing agreements on development fees with project developers. Development by the Cities of Del Rey Oaks and Monterey on FORA land is unlikely because the limits will soon be reached on the number of residential units and water supply in the Base Reuse Plan and incorporated into a settlement agreement with the Marina Coast Water District. If FORA is extended, its post-2020 authority should be limited to the function of accepting property from the Army and transferring it to the member agencies.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Dennis Mar." The signature is written in a cursive, slightly slanted style.

Dennis Mar
President

cc: Senator Bill Monning
Assembly Member Mark Stone
Assembly Member Robert Rivas
League of Women Voters of California