

AMENDED IN SENATE APRIL 1, 2019

SENATE BILL

No. 189

Introduced by Senator Monning

January 30, 2019

An act to ~~amend Section 67662 of~~ amend Sections 67652, 67655, 67660, and 67700 of, to add Section 67701 to, and to repeal Sections 67661, 67662, 67673, 67675.2, 67675.3, 67675.4, 67675.5, 67675.6, 67675.7, 67675.8, 67675.9, and 67690 of, the Government Code, and to add Section 33492.79 to the Health and Safety Code, relating to military base reuse.

LEGISLATIVE COUNSEL'S DIGEST

SB 189, as amended, Monning. Fort Ord Reuse Authority: ~~ex officio members~~. *member agencies: land use and zoning: dissolution.*

~~Existing~~

(1) *Existing* law, the Fort Ord Reuse Authority Act, establishes the Fort Ord Reuse Authority (*the authority*) to prepare, adopt, finance, and implement a plan for the use and development of the territory previously occupied by the Fort Ord military base in the County of Monterey. The act provides that the authority is governed by a board and ~~authorizes representatives of certain entities to serve as ex officio nonvoting members of the board. The act also authorizes the board to appoint or remove additional ex officio nonvoting members at its pleasure.~~ *comprised of 13 members representing the County of Monterey and specified cities within the county, which the act designates as "member agencies."*

~~This bill would specify that the board is authorized to appoint or remove additional ex officio nonvoting members at its pleasure, including, but not limited to, representatives from state agencies or~~

~~campuses of the University of California or the California State University.~~

This bill would reduce the size of the board from 13 members to 5 members and eliminate representation for certain cities. The bill would require the vote of a majority of the total membership of the board to pass or act upon any matter properly before the board.

(2) Existing law authorizes representatives of certain entities to serve as ex officio, nonvoting members of the board and authorizes the board to appoint or remove additional ex officio members at its pleasure. Existing law authorizes the board to appoint advisory committees to provide it with options, critique, analysis, and other information as it finds useful.

After adoption of a reuse plan by the board, existing law requires each county or city with territory occupied by Fort Ord to submit its general plan or amended general plan that meets certain requirements, or subsequent amendments to a certified plan, to the board and requires the board, after a noticed public hearing, to certify or refuse to certify the portion of the general plan that applies the territory of Fort Ord, as provided. Existing law similarly provides for the submission and review by the board of the county's or city's zoning ordinances, zoning district maps, and, where necessary, other implementing actions applicable to the territory of Fort Ord. Existing law provides that development review authority, with certain exceptions, is exercised by the applicable county or city, but prohibits a local agency from permitting, approving, or otherwise allowing a development or other change of use within the area of Fort Ord that is not consistent with the reuse plan adopted by the board. Existing law authorizes the board to review actions of each member agency regarding planning, zoning, and the issuance or denial of building permits within the area of Fort Ord, subject to specified limitations.

Existing law provides specific procedures regarding the preparation of an environmental impact report on the Fort Ord Reuse Plan that apply in the event that an environmental impact statement on the closure and reuse of Fort Ord has been filed pursuant to the federal National Environmental Policy Act of 1969.

Existing law authorizes the board to receive contributions from member agencies represented on the board. Existing law requires each member agency and each public agency represented by an ex officio member to contribute specified amounts to the authority.

This bill would repeal all of these provisions.

(3) *Under existing law, the Fort Ord Reuse Authority Act becomes inoperative when the board makes a specified determination regarding the development or reuse of the territory of Fort Ord or on June 30, 2020, whichever occurs first. Existing law repeals the act on January 1, 2021. Existing law requires the Monterey County Local Agency Formation Commission to provide for the orderly dissolution of the authority, as provided.*

This bill would, instead, make the Fort Ord Reuse Authority Act inoperative on June 30, 2022, and repeal the act on January 1, 2023. The bill would require the authority to negotiate and secure successor agencies for all obligations under the transition plan no later than June 30, 2022. The bill would require the Monterey County Local Agency Formation Commission to provide for the orderly dissolution of the authority once an agreement with a successor agency has been finalized. The bill would require the transfer of specified revenues of the authority to the County of Monterey for disbursement to each underlying land use jurisdiction on a pro rata basis. The bill would specify that any financial obligation of the authority to which the County of Monterey succeeds as a result of the disbursement of remaining revenues or the retirement of debt does not constitute a debt or liability of the county, or any other member agency.

This bill, on and after July 1, 2020, would authorize the authority to take specified actions regarding its dissolution, including implementing the transition plan and collecting and disbursing specified revenues. The bill would authorize an underlying land use jurisdiction to adopt a substitute funding mechanism in lieu of the community facilities district established for the Fort Ord area if the jurisdiction commits to continue funding specified regional needs. The bill would also deem the transition plan to be within the scope of a specified categorical exemption from the California Environmental Quality Act.

(4) *Existing law establishes procedures for the establishment and operation of all redevelopment project areas created within the area previously known as Fort Ord. Existing law, upon dissolution of the authority, requires that amounts allocated under a redevelopment plan that contains a provision for the division of taxes, if any levied upon taxable property within a redevelopment project, continue to be paid to the accounts of the authority insofar as needed to pay principal and interest or other amounts of debt incurred by the authority.*

This bill would make these provisions governing the establishment and operation of redevelopment project areas created within Fort Ord

inoperative as of the date of the dissolution of the Fort Ord Reuse Authority or the retirement of the authority's debt, whichever occurs later. The bill, upon dissolution of the authority or retirement of its debt, whichever occurs later, would require that any remaining property tax revenues allocated to the authority be transferred to the auditor-controller of the County of Monterey for appropriate distribution.

(5) This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Monterey.

(6) By adding to the duties of various local agencies with respect to the dissolution of the Fort Ord Reuse Authority, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

*Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.*

The people of the State of California do enact as follows:

1 *SECTION 1. Section 67652 of the Government Code is*
2 *amended to read:*

3 *67652. The Legislature finds and declares as follows:*

4 *(a) The policy set forth in Section 67651 is most likely to be*
5 *achieved if an effective governmental structure exists to plan for,*
6 *finance, and carry out the transfer and reuse of the base in a*
7 *cooperative, coordinated, balanced, and decisive manner.*

8 *~~(b) The County of Monterey and the Cities of Monterey, Salinas,~~*
9 *~~Carmel, and Pacific Grove have requested the Legislature to~~*
10 *~~establish a governmental structure for Fort Ord.~~*

11 *(b) The transition plan, adopted by the Ford Ord Reuse*
12 *Authority, will assure that ongoing, mandated requirements*
13 *continue to be funded and addressed within the region covered by*
14 *the authority, which will collect and distribute revenue for the*
15 *limited environmental and infrastructure mission.*

1 SEC. 2. *Section 67655 of the Government Code is amended to*
2 *read:*

3 67655. Unless the context otherwise requires, the definitions
4 contained in this chapter govern the construction of this title.

5 (a) “Authority” means the Fort Ord Reuse Authority.

6 (b) “Base-wide facility” means a public capital facility which,
7 in the judgment of the board, is important to the overall reuse of
8 Fort Ord, and has significance beyond any single city or the
9 unincorporated area of the county.

10 (c) “Board” means the governing board of the authority, as
11 specified in Section 67660.

12 (d) “*Community facilities district revenues*” means the revenues
13 collected from the authority.

14 ~~(d)~~

15 (e) “Fort Ord Reuse Plan” means the plan for the future use of
16 Fort Ord adopted pursuant to Section 67675.

17 ~~(e)~~

18 (f) “Legislative body” means the city council of a city or the
19 board of supervisors of a county, or the legislative body or
20 governing board of any other public agency.

21 ~~(f)~~

22 (g) “Local facility” means a public capital facility which, in the
23 judgment of the board, is important primarily within a single city
24 or the unincorporated area of the county.

25 ~~(g)~~

26 (h) “Member agency” means the County of ~~Monterey and the~~
27 ~~City of Carmel, Monterey,~~ the City of Del Rey Oaks, the City of
28 Marina, ~~the City of Sand City,~~ the City of Monterey, ~~the City of~~
29 ~~Pacific Grove, the City of Salinas,~~ or the City of Seaside.

30 ~~(h)~~

31 (i) “Fort Ord,” including references to the territory or area of
32 Fort Ord, means the geographical area described in the document
33 entitled “Description of the Fort Ord Military Reservation Including
34 Portion of the Monterey City Lands Tract No. 1, the Saucito,
35 Laguna Seca, El Chamisal, El Toro and Noche Buena Ranchos,
36 the James Bardin Partition of 1880 and Townships 14 South,
37 Ranges 1 and 2 East and Townships 15 South, Ranges 2 and 3
38 East, M.D.B. and M. Monterey County, California,” prepared by
39 Bestor Engineers, Inc., and delivered to the Sacramento District
40 Corps of Engineers on April 11, 1994.

(j) “Property tax revenues” means the amount of property tax revenues allocated to the authority pursuant to Section 33492.71 of the Healthy and Safety Code.

(i)

(k) “Public capital facilities” means all public capital facilities described in the Fort Ord Reuse Plan, including, but not limited to, roads, freeways, ramps, air transportation facilities and freight hauling and handling facilities, sewage and water conveyance and treatment facilities, school, library, and other educational facilities, and recreational facilities, that could most efficiently and conveniently be planned, negotiated, financed, or constructed by the authority to further the integrated future use of Fort Ord.

(j)

(l) “Redevelopment authority,” for purposes of the transfer of property at military bases pursuant to Title XXIX of the National Defense Authorization Act for the 1994 fiscal year, means the Fort Ord Reuse Authority, except that, with respect to property within the territory of Fort Ord that is transferred or to be transferred to the California State University or to the University of California, “redevelopment authority” solely for purposes of the transfer of property at military bases pursuant to Title XXIX of the National Defense Authorization Act for the 1994 fiscal year means the California State University or the University of California, and does not mean the Fort Ord Reuse Authority.

(m) “Transition plan” means the plan for the dissolution of the authority adopted by the board, as required by subdivision (c) of Section 67700.

(n) “Underlying land use jurisdiction” means, singularly or in the plural, the City of Monterey, the City of Del Rey Oaks, the City of Seaside, the City of Marina, the County of Monterey, or the California State University.

SEC. 3. Section 67660 of the Government Code is amended to read:

67660. (a) The authority shall be governed by a board of ~~13~~ five members composed of the following:

~~(1) One member appointed by the City of Carmel.~~

~~(2)~~

(1) One member appointed by the City of Del Rey Oaks.

~~(3) Two members~~

(2) One member appointed by the City of Marina.

1 ~~(4) One member appointed by Sand City.~~

2 ~~(5)~~

3 (3) One member appointed by the City of Monterey.

4 ~~(6) One member appointed by the City of Pacific Grove.~~

5 ~~(7) One member appointed by the City of Salinas.~~

6 ~~(8) Two members~~

7 (4) *One member* appointed by the City of Seaside.

8 ~~(9) Three members~~

9 (5) *One member* appointed by Monterey County.

10 (b) Notwithstanding subdivision (a), any local agency that does
11 not adopt a resolution favoring establishment of the Fort Ord Reuse
12 Authority pursuant to Section 67656 shall not be required to
13 appoint a voting member to the board. The failure of a local agency
14 to appoint a voting member to the board pursuant to this
15 subdivision shall not alter or reduce the powers and duties of the
16 authority or the board in any manner.

17 (c) Each member agency may appoint one alternate for each of
18 its positions on the board, and each alternate shall have all the
19 rights and authority of a board member when serving in that board
20 member's place.

21 (d) Each board member and each alternate shall be a member
22 of the legislative body making the appointment, except that
23 ~~alternates the alternate~~ appointed by the Monterey County Board
24 of Supervisors shall be ~~members~~ *a member* of the board of
25 supervisors or county staff. Board members and alternates shall
26 serve at the pleasure of the member agency making the
27 appointment.

28 (e) *The vote of a majority of the total membership of the board*
29 *shall be required to pass or act upon any matter properly before*
30 *the board, and each member of the board shall have one vote.*

31 *SEC. 4. Section 67661 of the Government Code is repealed.*

32 ~~67661. The following may serve as ex officio nonvoting~~
33 ~~members of the board:~~

34 ~~(a) A representative appointed by the Monterey Peninsula~~
35 ~~Community College District.~~

36 ~~(b) A representative appointed by the Monterey Peninsula~~
37 ~~Unified School District.~~

38 ~~(c) A representative designated by the Member of Congress that~~
39 ~~has the majority portion of Ford Ord in his or her Congressional~~
40 ~~District.~~

1 ~~(d) A representative designated by the Senator that has the~~
2 ~~majority portion of Ford Ord in his or her Senate District.~~

3 ~~(e) A representative designated by the Assembly Member that~~
4 ~~has the majority portion of Ford Ord in his or her Assembly~~
5 ~~District.~~

6 ~~(f) A representative designated by the United States Army.~~

7 ~~(g) A representative designated by the Chancellor of the~~
8 ~~California State University.~~

9 ~~(h) A representative designated by the President of the~~
10 ~~University of California.~~

11 ~~(i) A representative designated by the Monterey County Water~~
12 ~~Resources Agency.~~

13 ~~(j) A representative designated by the Transportation Agency~~
14 ~~of Monterey County.~~

15 ~~SEC. 5. Section 67662 of the Government Code is repealed.~~

16 ~~67662. The board may appoint or remove additional ex officio~~
17 ~~nonvoting members at its pleasure.~~

18 ~~SEC. 6. Section 67673 of the Government Code is repealed.~~

19 ~~67673. The board may, at its pleasure, appoint an additional~~
20 ~~advisory committee or committees to provide the board with~~
21 ~~options, critique, analysis, and other information as it finds useful,~~
22 ~~and may provide mechanisms through which a committee may~~
23 ~~report to the board.~~

24 ~~SEC. 7. Section 67675.2 of the Government Code is repealed.~~

25 ~~67675.2. After the board has adopted a reuse plan, each county~~
26 ~~or city with territory occupied by Fort Ord shall submit its general~~
27 ~~plan or amended general plan to the board, which satisfies both of~~
28 ~~the following:~~

29 ~~(a) The plan is submitted pursuant to a resolution adopted by~~
30 ~~the county or city, after a noticed public hearing, that certified that~~
31 ~~the portion of the general plan or amended general plan applicable~~
32 ~~to the territory of Fort Ord is intended to be carried out in a manner~~
33 ~~fully in conformity with this title.~~

34 ~~(b) It contains, in accordance with guidelines established by the~~
35 ~~board, materials sufficient for a thorough and complete review.~~

36 ~~SEC. 8. Section 67675.3 of the Government Code is repealed.~~

37 ~~67675.3. (a) The board shall, within 90 days after the submittal,~~
38 ~~after a noticed public hearing, either certify or refuse to certify, in~~
39 ~~whole or in part, the portion of the general plan or amended general~~
40 ~~plan applicable to the territory of Fort Ord.~~

~~(b) Where a general plan or amended general plan is refused certification, in whole or in part, the board shall provide a written explanation and may suggest modifications, which, if adopted and transmitted to the board by the county or a city, will allow the amended general plan to be deemed certified upon confirmation of the executive officer of the board. The county or a city may elect to meet the board's refusal of certification in a manner other than as suggested by the board and may then resubmit its revised general plan to the board. If the county or a city requests that the board not recommend or suggest modifications which if made will result in certification, the board shall refuse certification with the required findings.~~

~~(c) The board shall approve and certify the portions of a general plan or amended general plan applicable to the territory of Fort Ord, or any amendments thereto, if the board finds that the portions of the general plan or amended general plan applicable to the territory of Fort Ord meets the requirements of this title, and is consistent with the Fort Ord Reuse Plan.~~

SEC. 9. Section 67675.4 of the Government Code is repealed.

~~67675.4. (a) Within 30 days after the certification of a general plan or amended general plan, or any portion thereof, the board shall, after consultation with the county or a city, establish a date for that county or city to submit the zoning ordinances, zoning district maps, and, where necessary, other implementing actions applicable to the territory of Fort Ord.~~

~~(b) If the county or a city fails to meet the schedule established pursuant to subdivision (a), the board may waive the deadlines for board action on submitted zoning ordinances, zoning district maps, and, where necessary, other implementing actions, as set forth in Section 67675.5.~~

SEC. 10. Section 67675.5 of the Government Code is repealed.

~~67675.5. (a) The county and cities shall submit to the board the zoning ordinances, zoning district maps, and, where necessary, other implementing actions applicable to the territory of Fort Ord that are required pursuant to this title.~~

~~(b) The board may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified general plan applicable to the territory of Fort Ord. If the board rejects the zoning ordinances, zoning district maps, or~~

1 other implementing actions applicable to the territory of Fort Ord,
2 it shall give written notice of the rejection specifying the provisions
3 of the general plan with which the rejected zoning ordinances do
4 not conform or which it finds will not be adequately carried out,
5 together with its reasons for the action taken.

6 ~~(e) The board may suggest modifications in the rejected zoning~~
7 ~~ordinances, zoning district maps, or other implementing actions;~~
8 ~~which, if adopted by the county or cities and transmitted to the~~
9 ~~board, shall be deemed approved upon confirmation by the~~
10 ~~executive officer of the board.~~

11 ~~(d) The county or cities may elect to meet the board's rejection~~
12 ~~in a manner other than as suggested by the board and may then~~
13 ~~resubmit its revised zoning ordinances, zoning district maps, and~~
14 ~~other implementing actions to the board.~~

15 *SEC. 11. Section 67675.6 of the Government Code is repealed.*

16 ~~67675.6. (a) Except for appeals to the board, as provided in~~
17 ~~Section 67675.8, after the portion of a general plan applicable to~~
18 ~~Fort Ord has been certified and all implementing actions within~~
19 ~~the area affected have become effective, the development review~~
20 ~~authority shall be exercised by the respective county or city over~~
21 ~~any development proposed within the area to which the general~~
22 ~~plan applies.~~

23 ~~(b) Subdivision (a) shall not apply to any development proposed~~
24 ~~or undertaken on any tidelands, submerged lands, or on public~~
25 ~~trust lands, whether filled or unfilled, lying within the coastal zone.~~

26 *SEC. 12. Section 67675.7 of the Government Code is repealed.*

27 ~~67675.7. After the board has certified a general plan or an~~
28 ~~amended general plan, any amendments to that certified plan that~~
29 ~~are applicable to the territory of Fort Ord shall take effect only~~
30 ~~upon certification in the same manner as for the initially certified~~
31 ~~plan, as provided in this title.~~

32 *SEC. 13. Section 67675.8 of the Government Code is repealed.*

33 ~~67675.8. (a) After the board has adopted a reuse plan pursuant~~
34 ~~to this title, any revision or other change to that plan which only~~
35 ~~affects territory lying within the jurisdiction of one member agency~~
36 ~~may only be adopted by the board if one of the following conditions~~
37 ~~is satisfied:~~

38 ~~(1) The revision or other change was initiated by resolution~~
39 ~~adopted by the legislative body of the affected member agency~~
40 ~~and approved by at least a majority affirmative vote of the board.~~

1 ~~(2) The revision or other change was initiated by the board or~~
2 ~~any entity other than the affected member agency and approved~~
3 ~~by at least a two-thirds affirmative vote of the board.~~

4 ~~(b) (1) Notwithstanding any provision of law allowing any city~~
5 ~~or county to approve development projects, no local agency shall~~
6 ~~permit, approve, or otherwise allow any development or other~~
7 ~~change of use within the area of the base that is not consistent with~~
8 ~~the plan as adopted or revised pursuant to this title. Except as~~
9 ~~required by state or federal law, other than state law authorizing~~
10 ~~cities and counties to approve development projects, the board~~
11 ~~shall be the final judge of this consistency with the requirements~~
12 ~~of this title. The board may adopt regulations to ensure compliance~~
13 ~~with the provisions of this title. No local agency shall permit,~~
14 ~~approve, or otherwise allow any development or other change of~~
15 ~~use within the area of the base that is outside the jurisdiction of~~
16 ~~that local agency.~~

17 ~~(2) Subject to the consistency determinations required pursuant~~
18 ~~to this title, each member agency with jurisdiction lying within~~
19 ~~the area of Fort Ord may plan for, zone, and issue or deny building~~
20 ~~permits and other development approvals within that area. Actions~~
21 ~~of the member agency pursuant to this paragraph may be reviewed~~
22 ~~by the board on its own initiative, or may be appealed to the board.~~
23 ~~Under no circumstances shall development approvals of the~~
24 ~~following categories be held to be inconsistent with the Fort Ord~~
25 ~~Reuse Plan:~~

26 ~~(i) The construction of one single family house or one multiple~~
27 ~~family house not exceeding four units on a vacant lot within an~~
28 ~~area appropriately designated in the plan.~~

29 ~~(ii) Improvements to existing single family residences or to~~
30 ~~existing multiple family residences not exceeding four units,~~
31 ~~including remodels or room additions.~~

32 ~~(iii) Remodels of the interior of any existing building or~~
33 ~~structure.~~

34 ~~(iv) Repair and maintenance activities that do not result in an~~
35 ~~addition to, or enlargement or expansion of, any building or~~
36 ~~structure.~~

37 ~~(v) Installation, testing, and placement in service or the~~
38 ~~replacement of any necessary utility connection between an existing~~
39 ~~service facility and development approved pursuant to this chapter.~~

1 (vi) ~~Replacement of any building or structure destroyed by a~~
2 ~~natural disaster.~~

3 (e) ~~The board may require any public or private entity seeking~~
4 ~~to initiate a revision or other change to a plan adopted pursuant to~~
5 ~~this section to pay a charge or charges sufficient to cover the~~
6 ~~reasonable costs of reviewing, evaluating, preparing, adopting,~~
7 ~~and publishing the proposed revision or change.~~

8 ~~SEC. 14. Section 67675.9 of the Government Code is repealed.~~

9 ~~67675.9. If an environmental impact statement on the closure~~
10 ~~and reuse of Fort Ord has been prepared and filed pursuant to the~~
11 ~~National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321~~
12 ~~et seq.), the board may proceed in the following manner:~~

13 (a) ~~A notice of the preparation of an environmental impact report~~
14 ~~on the Fort Ord Reuse Plan shall be prepared pursuant to either~~
15 ~~Section 21080.4 or Section 21080.6 of the Public Resources Code,~~
16 ~~and shall include a description of the reuse plan and a copy of the~~
17 ~~environmental impact statement. The notice shall indicate that the~~
18 ~~board intends to utilize the environmental impact statement as a~~
19 ~~draft environmental impact report and requests comments on~~
20 ~~whether, and to what extent, the environmental impact statement~~
21 ~~provides adequate information to serve as a draft environmental~~
22 ~~impact report, and what specific additional information, if any, is~~
23 ~~necessary to comply with the California Environmental Quality~~
24 ~~Act (Division 13 (commencing with Section 21000) of the Public~~
25 ~~Resources Code). The notice shall also indicate the address to~~
26 ~~which written comments may be sent and the deadline for~~
27 ~~submitting comments.~~

28 (b) ~~Upon the close of the comment period on the notice of~~
29 ~~preparation, the board may proceed with preparation of the~~
30 ~~environmental impact report on the reuse plan. The board shall,~~
31 ~~to the greatest extent feasible, avoid duplication and utilize~~
32 ~~information in the environmental impact statement consistent with~~
33 ~~this division. The draft environmental impact report shall consist~~
34 ~~of all or part of the environmental impact statement and any~~
35 ~~additional information that is necessary to prepare a draft~~
36 ~~environmental impact report in compliance with the California~~
37 ~~Environmental Quality Act.~~

38 (c) ~~In all other respects, the environmental impact report for the~~
39 ~~reuse plan shall be completed in compliance with the California~~
40 ~~Environmental Quality Act.~~

1 *SEC. 15. Section 67690 of the Government Code is repealed.*

2 ~~67690. In addition to any funds received from federal and state~~
3 ~~agencies for the expenses of operating the Fort Ord Reuse~~
4 ~~Authority, the board may receive contributions from agencies~~
5 ~~represented on the board. Each agency represented by a board~~
6 ~~member shall contribute to the authority, on or before August 1~~
7 ~~of each fiscal year, the sum of fourteen thousand dollars (\$14,000)~~
8 ~~for each board member that the agency appoints. Each public~~
9 ~~agency which is represented on the board by an ex officio member~~
10 ~~shall contribute to the authority, on or before August 1 of each~~
11 ~~fiscal year, the sum of seven thousand dollars (\$7,000). For~~
12 ~~purposes of this section, the term “public agency” does not include~~
13 ~~any elected official of the federal or state government.~~

14 *SEC. 16. Section 67700 of the Government Code is amended*
15 *to read:*

16 67700. (a) (1) ~~This title shall become inoperative when the~~
17 ~~board determines that 80 percent of the territory of Fort Ord that~~
18 ~~is designated for development or reuse in the plan prepared~~
19 ~~pursuant to this title has been developed or reused in a manner~~
20 ~~consistent with the plan adopted or revised pursuant to Section~~
21 ~~67675, or June 30, 2020, whichever occurs first, and on January~~
22 ~~1, 2021, this title is repealed. on June 30, 2022.~~

23 (2) ~~This title shall remain in effect only until January 1, 2023,~~
24 ~~and as of that date is repealed.~~

25 (b) ~~No later than June 30, 2022, the authority shall negotiate~~
26 ~~and secure one or more successor agencies to implement all~~
27 ~~obligations under the transition plan.~~

28 ~~(b)~~

29 (c) (1) ~~The Monterey County Local Agency Formation~~
30 ~~Commission shall provide for the orderly dissolution of the~~
31 ~~authority including ensuring once an agreement with a successor~~
32 ~~agency has been finalized. The Monterey County Local Agency~~
33 ~~Formation Commission shall ensure that all contracts, agreements,~~
34 ~~and pledges to pay or repay money entered into by the authority~~
35 ~~are honored and properly administered, and that all assets of the~~
36 ~~authority are appropriately transferred.~~

37 (2) ~~The board shall approve and submit a transition plan to the~~
38 ~~Monterey County Local Agency Formation Commission on or~~
39 ~~before December 30, 2018, or 18 months before the anticipated~~
40 ~~inoperability of this title pursuant to subdivision (a), whichever~~

1 ~~occurs first.~~ 2018. The transition plan shall assign assets and
2 liabilities, designate responsible successor agencies, and provide
3 a schedule of remaining obligations. The transition plan shall be
4 approved only by a majority vote of the board.

5 *(d) Upon dissolution of the authority, all remaining and future*
6 *community facilities district revenues shall be transferred to the*
7 *County of Monterey. The County of Monterey shall disburse those*
8 *community facilities district revenues to each underlying land use*
9 *jurisdiction on a pro rata basis, based on the source of the revenue*
10 *or another method that the County of Monterey determines is*
11 *reasonable.*

12 *(e) If the authority has any remaining outstanding debt at the*
13 *time of its dissolution, property tax revenues shall continue to be*
14 *paid to the County of Monterey in accordance with subparagraph*
15 *(D) of paragraph (1) of subdivision (c) of Section 33492.71 of the*
16 *Health and Safety Code in an amount necessary to pay the*
17 *principal and interest or other amounts on that debt. Upon the*
18 *dissolution of the authority or the retirement of debt as provided*
19 *in this subdivision, whichever occurs later, any remaining property*
20 *tax revenues shall be transferred to the auditor-controller of the*
21 *County of Monterey for appropriate distribution.*

22 *(f) If the County of Monterey succeeds to any financial*
23 *obligation of the authority as a result of the disbursement of*
24 *remaining revenues or the retirement of debt, that obligation shall*
25 *not constitute a debt or liability of the county, or any other member*
26 *agency, but shall be payable solely from the remaining revenues*
27 *provided for purposes of that obligation in the transition plan.*

28 *(g) The County of Monterey may, before disbursing revenues*
29 *as provided in this section, deduct an amount equal to the*
30 *reasonable cost of administering this section out of the remaining*
31 *revenues of the authority to be disbursed.*

32 *SEC. 17. Section 67701 is added to the Government Code, to*
33 *read:*

34 *67701. (a) On and after July 1, 2020, the authority may do all*
35 *of the following:*

36 *(1) Implement the transition plan.*

37 *(2) Manage the community facilities district boundaries.*

38 *(3) Make appropriate revisions to the boundaries of the*
39 *community facilities district established by the board as*
40 *replacement funding mechanisms are created by underlying land*

1 *use jurisdictions pursuant to subdivision (b). Revisions to the*
2 *community facilities district boundaries shall be made by filing*
3 *an amended map of the community facilities district.*

4 *(4) Collect and disburse community facilities district revenues.*

5 *(5) Collect and disburse property tax revenues.*

6 *(6) Disburse revenues collected for the purposes of the habitat*
7 *conservation plan, transportation, transit, and water supply*
8 *pursuant to Section 67675.*

9 *(7) Continue as the local reuse authority for purposes of the*
10 *federal government and property transfers, including receipt of*
11 *federal grant funding.*

12 *(8) Ensure that all pledges, contracts, or obligated payment are*
13 *funded and appropriately carried out.*

14 *(b) Any underlying land use jurisdiction may adopt a substitute*
15 *funding mechanism in lieu of the community facilities district*
16 *established by the board, in which case the board shall adjust the*
17 *boundaries of the community facilities district accordingly. An*
18 *underlying land use jurisdiction that adopts a substitute funding*
19 *mechanism pursuant to this subdivision shall commit, either in*
20 *that substitute funding mechanism or otherwise in a written*
21 *agreement, to continue funding regional needs in the former Fort*
22 *Ord on a pro rata basis, to the satisfaction of the authority. For*
23 *purposes of this subdivision, “regional needs” includes, but is not*
24 *limited to, habitat conservation, transportation, transit, and water*
25 *supply augmentation.*

26 *(c) The transitional plan adopted by the board for organizational*
27 *changes shall be deemed to be within the scope of the Class 20*
28 *exemption provided by Section 15320 of Title 14 of the California*
29 *Code of Regulations.*

30 *SEC. 18. Section 33492.79 is added to the Health and Safety*
31 *Code, to read:*

32 *33492.79. This article shall become inoperative as of the date*
33 *of the dissolution of the Fort Ord Reuse Authority pursuant to*
34 *Section 67700 of the Government Code or the retirement of the*
35 *authority’s debt as provided in subdivision (e) of Section 67700*
36 *of the Government Code, whichever occurs later.*

37 *SEC. 19. The Legislature finds and declares that a special*
38 *statute is necessary and that a general statute cannot be made*
39 *applicable within the meaning of Section 16 of Article IV of the*
40 *California Constitution because of the unique circumstances in*

1 *the County of Monterey relating to the dissolution of the Ford Ord*
2 *Reuse Authority.*

3 *SEC. 20. If the Commission on State Mandates determines that*
4 *this act contains costs mandated by the state, reimbursement to*
5 *local agencies and school districts for those costs shall be made*
6 *pursuant to Part 7 (commencing with Section 17500) of Division*
7 *4 of Title 2 of the Government Code.*

8 ~~SECTION 1. Section 67662 of the Government Code is~~
9 ~~amended to read:~~

10 ~~67662. The board may appoint or remove additional ex officio~~
11 ~~nonvoting members at its pleasure, including, but not limited to,~~
12 ~~representatives from state agencies or campuses of the University~~
13 ~~of California or the California State University.~~