



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: RES 20-154, **Version:** 1

Adopt a resolution to authorize and direct the Auditor-Controller to amend Fiscal Year 2020-21 Adopted Budget to:

- a. Increase appropriations by \$350,000 and estimated revenue by \$350,000 for the Habitat Management Program, Fund 029, Appropriation Unit RMA111, to fund habitat management planning activities on former Fort Ord lands, financed by estimated interest earnings of \$300,000 and Unassigned Fund Balance of \$50,000 (Fund 029, Balance Sheet Account 3101); and
- b. Increase appropriations and revenue by \$253,822 for the General Fund, Fund 001, RMA Administration, Appropriation Unit RMA013, financed by Fort Ord Reuse Authority (FORA) funds transferred to the County on July 1, 2020, for FORA wind-up activities including: \$150,000 for Regional Government Services (RGS) contract, \$15,000 for contract management of the RGS contract, \$70,109 for records management and response to public records requests, and \$18,713 for oak woodland conservation planning activities performed by Denise Duffy & Associates (4/5th vote required).

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to authorize and direct the Auditor-Controller to amend Fiscal Year 2020-21 Adopted Budget to:

- a. Increase appropriations by \$350,000 and estimated revenue by \$350,000 for the Habitat Management Program, Fund 029, Appropriation Unit RMA111, to fund habitat management planning activities on former Fort Ord lands, financed by estimated interest earnings of \$300,000 and Unassigned Fund Balance of \$50,000 (Fund 029, Balance Sheet Account 3101); and
- b. Increase appropriations and revenue by \$253,822 for the General Fund, Fund 001, RMA Administration, Appropriation Unit RMA013, financed by Fort Ord Reuse Authority (FORA) funds transferred to the County on July 1, 2020, for FORA wind-up activities, including: \$150,000 for Regional Government Services (RGS) contract, \$15,000 for contract management of the RGS contract, \$70,109 for records management and response to public records requests, and \$18,713 for oak woodland conservation planning activities performed by Denise Duffy & Associates (4/5th vote required).

SUMMARY/DISCUSSION:

On June 30, 2020, the Fort Ord Reuse Authority (FORA) dissolved, and the County agreed to assume certain responsibilities with associated funding.

At its June 9, 2020 meeting, the Board of Supervisors approved a Joint Community Facilities Agreement between the County and FORA to transfer an approximate \$13.58 million from FORA to the County to be used for habitat management on former Fort Ord lands. On June 26, 2020, \$13,775,711 was received by the County from FORA, and these funds have been placed in a separate interest-earning account. Effective July 1, 2020, the East Garrison developer is paying a fair share fee directly to the County, replacing the FORA Community Facilities District Special Tax, prior to building permit issuance for each subsequent new unit in the East Garrison development to contribute to funding of, among other things, habitat management on the former Fort Ord. Pursuant to the Fort Ord Installation-wide Habitat Management Plan (HMP), and in view of the fact that the FORA-led Fort Ord Regionwide Habitat Conservation Plan (HCP) was not finalized or adopted, the County

must develop a resource-specific habitat management implementation plan (RMP) for all parcels subject to the HMP. Staff is examining contracting with a consultant to develop an RMP for County habitat lands at an estimated cost of \$250,000.

The proposed Fort Ord Recreation and Habitat Area (FORHA) Master Trail Plan and Open Space Management Strategy Plan (referred to as FORHA Plan) and the RMP are interdependent, so staff also proposes preparation of a final FORHA Plan for Board consideration concurrently with the RMP. Staff is evaluating if this update can be completed with in-house workforce or if the contractor who developed the FORHA Plan can be re-engaged to complete it at an estimated cost of \$50,000. RMA staff will also identify and evaluate options to establish and implement a habitat management program for the former Fort Ord lands; this component involves an estimated \$50,000 in staff time. RMA will return to the Budget Committee and Board of Supervisors later this fiscal year to present its recommendations and request additional appropriations as needed.

At its June 16, 2020 meeting, the Board of Supervisors approved two agreements: one assigning to the County the remaining tasks under the contract between FORA and Denise Duffy & Associates (DDA) for oak woodland conservation planning for County and City of Seaside lands in the former Fort Ord; and one authorizing the transfer of \$18,713 from FORA to the County to fund DDA work under the contract. On July 1, 2020, the County received these funds, \$18,713, from FORA. The oak woodland conservation planning is part of the RMA work program, which has been on hold for the past year due to staffing limitations and FORA's now-past dissolution. DDA will be authorized to begin work when RMA staff is ready to move forward. Staff will also communicate with the City of Seaside regarding next steps and timing, as DDA's scope of work is to provide work products to the County as well as to the City of Seaside.

At its June 23, 2020 meeting, the Board of Supervisors approved an Agreement between FORA and the County Regarding Administrative and Financial Matters Associated with FORA Dissolution (Administrative Matters Agreement), which identified specific responsibilities that the County agreed to assume and provided funding from FORA to perform those tasks. Specifically, the County agreed to serve as custodian for most of FORA's Records, the transfer of which was completed in September 2020. Pursuant to the Administrative Matters Agreement, on July 1, 2020, the County received \$174,977 as part of a fund transfer from FORA to be used specifically for records retention and management. RMA is responsible for facilitating the organization and transfer of FORA's physical (hard copy) records, and as part of this work, RMA will respond to Public Records Act requests for FORA records. Anticipated expenditures for this fiscal year's custodial records retention and management effort is \$70,109.

Additionally, on June 23, 2020, the Board of Supervisors authorized the County Administrative Officer (CAO) to assume a contract between FORA and RGS for services related to winding up FORA's business affairs following FORA dissolution. The Administrative Matters Agreement also identified \$15,000 for the County to oversee and manage the RGS contract and FORA wind-up activities. The RGS contract with FORA (activities through June 30, 2020) and the County (activities July 1, 2020 forward) was executed on June 30, 2020, for a retroactive term covering June 15, 2020 through June 30, 2021. RMA now manages and issues payment for RGS contract work. On July 1, 2020, the County received \$150,000 from FORA to pay for RGS contracted services. RMA staff and County Counsel meet weekly with RGS to facilitate this FORA business affairs wind-up.

Staff recommends the Board of Supervisors adopt a resolution to authorize and direct the Auditor-Controller to amend the Fiscal Year 2020-21 Adopted Budget to appropriate the funding received from FORA in the designated budget units to allow the completion and payment for post-FORA activities performed and/or managed by RMA.

OTHER AGENCY INVOLVEMENT:

The Budget Committee voted to support the recommendation on October 7, 2020.

FINANCING:

If approved, the Fiscal Year 2020-21 Adopted Budget will be amended to increase appropriations and revenue in: 1) Fund 029, Habitat Management Program, Appropriation Unit RMA111, by \$350,000, financed by estimated interest earnings of \$300,000 and Unassigned Fund Balance of \$50,000, for essential Habitat Management planning activities on former Fort Ord lands; 2) RMA General Fund, Administration, Appropriation Unit RMA013, by \$253,822, financed by funds transferred from FORA. FORA transferred \$294,038 to RMA to oversee specific wind-up activities on July 1, 2020, including: \$150,000 for RGS contract to lead the wind up; \$15,000 for staff time to manage the RGS contract; \$50,000 for staff and supplies related to organizing and boxing files; \$60,325 for staff time to respond to California Public Records Act requests for three (3) years (\$20,109 for the first year and \$20,108 for each of the two succeeding years); and \$18,713 for the DDA contract for oak woodland conservation planning. Any unused portion of these funds will be set aside in Restricted Fund Balance for future years. The Administrative Matters Agreement provides that the County is under no obligation to use the General Fund or another source of County revenue other than the FORA funds transferred to the County to carry out its obligations under the Agreement. Interest earnings are estimated (not actual) for the FORA funds; therefore, the recommended increase of revenue for the Fund 029 FORA Habitat Management Program is also estimated.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The recommendation of this report supports the Board of Supervisors' Economic Development, Administration, and Infrastructure Strategic Initiatives by ensuring accurate, timely, and transparent fiscal accounting and effective resource management to enable the RMA to complete critical work for the long-term benefit of the County.

- X Economic Development
- X Administration
 - Health & Human Services
- X Infrastructure
 - Public Safety

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Approved by: Shawne Ellerbee, Assistant Director of Resource Management Agency

Approved by: Carl P. Holm, AICP, Resource Management Agency Director

Attachment:

Attachment A-Draft Resolution

(Attachment is on file with the Clerk of the Board)