



CITY OF OCEANSIDE

May 19, 2020

The Honorable Keely Bosler
Chair, Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

RE: Response to Test Claim 19-TC-03, Assembly Bill No. 805 SANDAG's Independent Performance Auditor Staffing and Other Increased Cost

Honorable Chair Bosler:

On behalf of the City of Oceanside, I'm writing to express support for the test claim submitted by the San Diego Association of Governments (SANDAG) on March 19, 2020, related to "Assembly Bill 805 (AB 805) SANDAG's Independent Performance Auditor Staffing and Other Increased Cost."

AB 805 mandates that SANDAG appoint an Independent Performance Auditor (IPA) to conduct performance audits of all departments, offices, boards, activities, agencies, and programs relating to the agency. The IPA is charged with the responsibilities to investigate any material claim of financial fraud, waste or impropriety within the agency.

Prior to AB 805, the IPA position at SANDAG did not exist. The requirement to create this position is unique to SANDAG as the statute does not apply to similar regional agencies statewide. The Legislature anticipated that AB 805 would impose a mandate on SANDAG, as indicated in the legislative history.


It is clear the Legislature understood the statute would "transfer to local agencies the fiscal responsibility for providing services which the state believed should be extended to the public." County of Los Angeles, 43 Cal. 3d at 56-57.

Similarly, the Department of Finance stated it opposed AB 805 because "it appears to create a reimbursable state mandate." The potentially reimbursable components included requiring a higher level of audit functions from SANDAG, though Finance could not quantify the potential fiscal impact of the bill on SANDAG.

Though SANDAG has increased membership assessment fees, the amounts collected are not sufficient to pay for the full mandated program increased cost. As a result of the state-imposed mandate, in 2019, SANDAG doubled membership assessments fees to help recover some of the increased costs that resulted from the state-imposed mandate. But there are residual costs associated with the state-imposed mandate. Given the current economic situation, member agencies like Oceanside are unable to further increase their member assessment contributions. The amounts collected are not sufficient and do result in costs incurred that are not fully covered by offsets, thus the remainder of the cost associated with the mandate-imposed actions and increased level of activity is what SANDAG is seeking through this test claim.

For these reasons, the City of Oceanside encourages the Commission on State Mandates to approve SANDAG's test claim, reimbursing the claimant for incurred, eligible expenses.

Sincerely,



Peter Weiss

MAYOR

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On May 29, 2020, I served the:

- **City of La Mesa's Comments on the Test Claim filed May 28, 2020**
- **City of Lemon Grove's Comments on the Test Claim filed May 28, 2020**
- **City of National City's Comments on the Test Claim filed May 28, 2020**
- **City of Oceanside's Comments on the Test Claim filed May 28, 2020**
- **City of Vista's Comments on the Test Claim filed May 28, 2020**

SANDAG: Independent Performance Auditor, 19-TC-03
Public Utilities Code Section 132354.1 (b)(1), (2), (3), (4)
San Diego Association of Government (SANDAG), Claimant

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on May 29, 2020 at Sacramento, California.

Lorenzo Duran

Lorenzo Duran
Commission on State Mandates
980 Ninth Street, Suite 300
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(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 5/5/20

Claim Number: 19-TC-03

Matter: SANDAG: Independent Performance Auditor

Claimant: San Diego Association of Government (SANDAG)

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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