



TEST CLAIM FORM

Section 1

Proposed Test Claim Title:

Assembly Bill No. 805 SANDAG's Independent Performance Auditor Staffing and Other Increased Cost

Section 2

Local Government (Local Agency/School District) Name:

SAN DIEGO ASSOCIATION OF GOVERNMENT (SANDAG)

Name and Title of Claimant's Authorized Official pursuant to [CCR, tit.2, § 1183.1\(a\)\(1-5\)](#):

Andre Douzджian, Chief Financial Officer (Delegated Authority)

Street Address, City, State, and Zip:

401 B STREET, SUITE 800 SAN DIEGO, CA 92101

Telephone Number

619-699-6931

Fax Number

619-699-1905

Email Address

Andre.Douzджian@sandag.org

Section 3

Claimant Representative: John Kirk Title General Counsel - SANDAG

Organization: SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG)

Street Address, City, State, Zip:

401 B STREET, SUITE 800 SAN DIEGO, CA 92101

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<i>For CSM Use Only</i>	
Filing Date:	<div style="border: 2px solid blue; border-radius: 15px; padding: 5px; color: blue; font-weight: bold;">RECEIVED</div> <p style="color: blue; font-weight: bold;">March 19, 2020 Commission on State Mandates</p>
Test Claim #:	19-TC-03

Section 4 – Please identify all code sections (include statutes, chapters, and bill numbers; e.g., Penal Code section 2045, Statutes 2004, Chapter 54 [AB 290]), regulatory sections (include register number and effective date; e.g., California Code of Regulations, title 5, section 60100 (Register 1998, No. 44, effective 10/29/98), and other executive orders (include effective date) that impose the alleged mandate pursuant to [Government Code section 17553](#) and don't forget to check whether the code section has since been amended or a regulation adopted to implement it (refer to your completed WORKSHEET on page 7 of this form):

Assembly Bill No. 805. AB 805, Gonzalez Fletcher. County of San Diego: transportation agencies. CHAPTER 658. AB805 An act to amend Sections 120050.2, 120051.6, 120102.5, 125102, 132351.1, 132351.2, 132351.4, 132352.3, 132354.1, 132360.1, and 132362 of, to add Sections 120221.5, 125222.5, and 132354.7 to, to add Article 11 (commencing with Section 120480) to Chapter 4 of Division 11 of, to add Article 9 (commencing with Section 125480) to Chapter 4 of Division 11.5 of, and to repeal Sections 120050.5 and 120051.1 of, the Public Utilities Code, relating to transportation. Chapter Date 10/11/2017. Test Claim includes new and increased cost specifically relating to SEC. 15. Section 132354.1 of the Public Utilities Code (b) (1), (2), (3),(4). Please find EXHIBIT A - Test Claim Narrative SANDAG AB805

X Test Claim is Timely Filed on [Insert Filing Date] [select either A or B]: **03/ 19/ 2020**

A: Which is not later than 12 months following [insert the effective date of the test claim statute(s) or executive order(s)] ___/___/___, the effective date of the statute(s) or executive order(s) pled; or

X B: Which is within 12 months of [insert the date costs were *first* incurred to implement the alleged mandate] **04/ 02 / 2019**, which is the date of first incurring costs as a result of the statute(s) or executive order(s) pled. *This filing includes evidence which would be admissible over an objection in a civil proceeding to support the assertion of fact regarding the date that costs were first incurred.*

([Gov. Code § 17551\(c\)](#); [Cal. Code Regs., tit. 2, §§ 1183.1\(c\)](#) and [1187.5.](#))

Section 5 – Written Narrative:

X Includes a statement that actual and/or estimated costs exceed one thousand dollars (\$1,000). ([Gov. Code § 17564.](#)) (page 9)

X Includes all of the following elements for each statute or executive order alleged **pursuant to [Government Code section 17553\(b\)\(1\)](#) (refer to your completed WORKSHEET on page 5 of this form):**

X Identifies all sections of statutes or executive orders and the effective date and register number of regulations alleged to contain a mandate, including a detailed description of the *new* activities and costs that arise from the alleged mandate and the existing activities and costs that are *modified* by the alleged mandate; (page 7)

X Identifies *actual* increased costs incurred by the claimant during the fiscal year for which the claim was filed to implement the alleged mandate; (page 11)

X Identifies *actual or estimated* annual costs that will be incurred by the claimant to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed; (page 11)

- X Contains a statewide cost estimate of increased costs that all local agencies or school districts will incur to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed;
Following FY: 19____ - 20____ Total Costs: \$430,158.76 (page 11-12 and 15)
- X Identifies all dedicated funding sources for this program; State: 0.00
Federal: 0.00 Local agency's general-purpose funds: 0.00
Other nonlocal agency funds: \$136,617.28 (temporary funding for 2 years)
Fee authority to offset costs: \$369,571.48. (page 14-15 Sec. H).
- X Identifies prior mandate determinations made by the Board of Control or the Commission on State Mandates that may be related to the alleged mandate: No similar mandate however in regard to offsetting revenue - Administrative License Suspension - Per Se (98-TC-16): "VII. OFFSETTING SAVINGS AND REIMBURSEMENTS"
- X Identifies a legislatively determined mandate that is on the same statute or executive order: None

Section 6 – The Written Narrative Shall be Supported with Declarations Under Penalty of Perjury Pursuant to [Government Code Section 17553\(b\)\(2\)](#) and [California Code of Regulations, title 2, section 1187.5](#), as follows (refer to your completed WORKSHEET on page 5 of this form):

- X Declarations of actual or estimated increased costs that will be incurred by the claimant to implement the alleged mandate. **(page 21)**
- X Declarations identifying all local, state, or federal funds, and fee authority that may be used to offset the increased costs that will be incurred by the claimant to implement the alleged mandate, including direct and indirect costs. **(page 21)**
- X Declarations describing new activities performed to implement specified provisions of the new statute or executive order alleged to impose a reimbursable state-mandated program (specific references shall be made to chapters, articles, sections, or page numbers alleged to impose a reimbursable state-mandated program). **(page 21-23)**
- X If applicable, declarations describing the period of reimbursement and payments received for full reimbursement of costs for a legislatively determined mandate pursuant to [Government Code section 17573](#), and the authority to file a test claim pursuant to paragraph (1) of subdivision (c) of [Government Code section 17574](#). **(page 21-23)**
- X The declarations are signed under penalty of perjury, based on the declarant's personal knowledge, information, or belief, by persons who are authorized and competent to do so. **(page 23)**

Section 7 – The Written Narrative Shall be Supported with Copies of the Following Documentation Pursuant to [Government Code section 17553\(b\)\(3\)](#) and [California Code of Regulations, title 2, § 1187.5](#) (refer to your completed WORKSHEET on page 5 of this form):

- X The test claim statute that includes the bill number, and/or executive order identified by its effective date and register number (if a regulation), alleged to impose or impact a mandate. **Addendum Attached and source link (after page 23)**
- X Relevant portions of state constitutional provisions, federal statutes, and executive orders that may impact the alleged mandate. **(page 10 Section C)**

- X Administrative decisions and court decisions cited in the narrative. (Published court decisions arising from a state mandate determination by the Board of Control or the Commission are exempt from this requirement.) **Pages 15 to 16**.
- X Evidence to support any written representation of fact. *Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. (Cal. Code Regs., tit. 2, § 1187.5).* Pages **20 to 21**.

Section 8 –TEST CLAIM CERTIFICATION Pursuant to Government Code section 17553

- X The test claim form is signed and dated at the end of the document, under penalty of perjury by the eligible claimant, with the declaration that the test claim is true and complete to the best of the declarant's personal knowledge, information, or belief. **(page 21).**

Read, sign, and date this section. Test claims that are not signed by authorized claimant officials pursuant to California Code of Regulations, title 2, section 1183.1(a)(1-5) will be returned as incomplete. In addition, please note that this form also serves to designate a claimant representative for the matter (if desired) and for that reason may only be signed by an authorized local government official as defined in section 1183.1(a)(1-5) of the Commission’s regulations, and not by the representative.

This test claim alleges the existence of a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim is true and complete to the best of my own personal knowledge, information, or belief. All representations of fact are supported by documentary or testimonial evidence and are submitted in accordance with the Commission’s regulations. (Cal. Code Regs., tit.2, §§ 1183.1 and 1187.5.)

Andre Douzdjian 

Chief Financial Officer

Name of Authorized Local Government Official
pursuant to Cal. Code Regs., tit.2, § 1183.1(a)(1-5)

Print or Type Title

04/21/2020 (Original signature 3/19/20)

Signature of Authorized Local Government Official
pursuant to Cal. Code Regs., tit.2, § 1183.1(a)(1-5)

Date (revised)

Test Claim Form Sections 4-7 WORKSHEET

Complete Worksheets for Each New Activity and Modified Existing Activity Alleged to Be Mandated by the State and Include the Completed Worksheets with Your Filing.

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number:

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: the mandated activities specifically contained within Public Utilities Code SEC. 15. Section 132354.1(b) (2), (3), and (4), (c), (d), and (e). This section and subsections directly relate to the reimbursable provisions of this test claim. The activity cost below includes various auditor positions that have been hired or estimated to be hired. It should be pointed out that there are no duplicate positions or cost identified below rather the position classification may be repeated as SANDAG is seeking more than one auditor (position) with the same classification. Below include positions (actual and estimated) specifically to accommodate the statutory mandate section and subsections stated above. Each position and associated cost are seen as the "Activity" that will jointly share responsibility to audit and ensure that the mandated requirements are accomplished. Further, the cost associated with the auditor positions which include equipment and supplies, required training and development and professional dues and licensing are cost associated and required for government auditors. If the positions to accommodate the mandate did not exist, the associated cost would also not exist, therefore SANDAG believes that these costs are as a result of the required state mandate and are increased costs. Detail activity costs are found in sections D to F. These Activities identified tie specifically within Public Utilities Code SEC. 15. Section 132354.1(b) (2), (3), and (4), (c), (d), and (e). The activities will ensure that...The SANDAG Office of the Independent Performance Auditor (OIPA) is the official body of SANDAG to investigate allegations of potential fraud, waste, and abuse identified by SANDAG staff or other stakeholders. The OIPA serves as the SANDAG Board of Directors oversight function that objectively evaluates and recommends improvements to SANDAG including prioritizing its efforts by continuously facilitating an objective risk assessment. The OIPA's audit functions are designed to include timely reporting of significant issues to appropriate oversight authorities. The OIPA is also responsible for developing and recommending that the board adopt internal control guidelines. Specifically relating to amended SEC. 15. Section 132354.1 (b) (2), (3), and (4), (c), (d), and (e), no requirements existed prior to 2017, nor in any of the intervening years, until the passage of Chapter 658, Statutes of 2017, filed on October 11, 2017, to mandate that SANDAG appoint an independent performance auditor who shall have the power to appoint and employee as deemed necessary (page 9 and Addendum from internet).

Activity: Independent Performance Auditor, Other staffing resources, and required associated cost

Initial FY: 18- 19 Cost: \$76,030 Following FY: 19 - 20 Cost: \$430,158.76
Evidence (if required): See page 11 and attachments All dedicated funding sources;
State: 0.00 Federal: 0.00 Local agency's general-purpose funds: \$0.00 Other nonlocal
agency funds: \$136,617.28 (borrowed/temporary for only 2 years) Fee authority to offset
costs: \$369,571.48 (detail is located on page 14-15).

EXHIBIT A

**BEFORE THE
COMMISSION ON STATE MANDATES**

Test Claim of:

San Diego Association of Governments

AB805: Activity of the Independent Performance Auditor

Chartered by Secretary of State - Chapter 658, Statutes of 2017

STATEMENT OF THE CLAIM

The San Diego Association of Governments (SANDAG) is eligible to claim reimbursement for state mandated cost under the California Constitution as SANDAG meets both 1) a local agency; and 2) subject to the tax and spend limitations of articles XIII A and B of the California Constitution.

SANDAG is a special district subject to the types of constitutional taxing and spending limitations that article XIII B, section 6(a) of the California Constitution (Section 6) is designed to address. Consistent with its scope of inquiry in the present case, the Commission has consistently determined that a local agency's eligibility to seek reimbursement pursuant to Section 6 depends on whether the local agency is subject to the taxing limitations in articles XIII A and XIII C and spending limitations in article XIII B of the California Constitution. Local agencies which are subject to the limitations generally qualify as a "local agency" for purposes of Section 6, while entities who are not subject to these limitations tend not to qualify. (See, e.g., Parameters and Guidelines Amendment, (Jan. 26, 2006), Animal Adoption, 04 PGA-01 and 02 (98-TC-11) (authorizing reimbursement to joint powers authority comprised of a city and/or county); Parameters and Guidelines (Amended), California Public Records Act, 02 TC-10 and 02 TC-51 (14-MR-02) (eligible claimants include any entity subject to articles XIII A, XIII, B and XIII C); Redevelopment Agency v. Comm'n on State Mandates, (1997) 55 Cal. App. 4th 976, 987 (determining that redevelopment agencies cannot obtain reimbursement for mandated activities, in part, because they are exempt from the restrictions of article XIII B).)

Articles XIII A, XIII B and XIII C provide the following limitations, in part: Article XIII A, § 4 requires a 2/3 vote of qualified electors prior to imposing special taxes; Article XIII B, § 1 prohibits local government appropriations from exceeding the appropriations limit for the entity for the prior year with limited exceptions; Article XIII C, § 1 defines "special tax" to mean "any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund; Article XIII C, § 2 requires all taxes to be either general taxes or special taxes, prohibits special districts from adopting general taxes, and requires special taxes to be approved by 2/3 of electors.

SANDAG is authorized to levy a retail transactions and use tax in the incorporated and unincorporated territory of the county. (Pub. Util. Code, §§ 132300, 132362.) Similar to special taxes, this tax is subject to approval by a supermajority of electors and is capped at 1%. (Pub. Util. Code, § 132307.) As part of the ballot proposition to approve imposition of the tax, an appropriations limit was also required to be established. (Pub. Util. Code, § 132309.) The consolidated agency is also authorized to initiate proceedings to establish a district pursuant to the Mello-Roos Community Facilities Act of 1982, and may impose a special tax within the district, subject to approval by 2/3 of the votes cast. (Pub. Util. Code, § 132370.4.) These statutory limitations on the consolidated agency's taxing and spending authority align with the constitutional limitations on local government taxing and spending authority in articles XIII A, XIII B, and XIII C, which demonstrate that SANDAG should be considered a "local agency" subject to the tax and spend limitations of articles XIII A and B of the California Constitution, and thus eligible to seek a subvention of funds under Sec. 6.

Andre Douzdijian, SANDAG's Chief Financial Officer is an authorized designee and among those authorized to file a test claim under section 1183.1(a)(1-5) of the Commission's regulations which states that "...the general manager or other officer with authority delegated by the governing body by ordinance or resolution for a special district...".

Resolution No. RTC-2019-04 "Adoption of FY2020 Program Budget and Providing for All Authorizations Necessary and Pertinent Thereto" provide delegated authority by the Board of Directors to SANDAG's Executive Director, or his/her designee. In regard to this claim, Andre Douzjian, SANDAG's Chief Financial Officer is has been delegated by the Executive Director, Hasan Ikhata, whom was delegated by the Board of Directors. To ensure adherence to Commission Regulations, Executive Director Hasan Ikhata officially delegated specific authority to Andre Douzgian, SANDAG's Chief Financial Officer regarding AB805 for execution and submission of one or more test claims to the California Commission on State Mandates. Evidence of delegated authority and Resolution No. RTC-2019-04 is enclosed.

A. MANDATE SUMMARY

The statute cited above on which this test claim is based, added and amended sections of the Public Utilities Code, relating to Transportation. This test claim is geared specifically at increased cost relating the amended **SEC. 15**. Section 132354.1 (b) (2), (3), and (4),(c),(d), and (e) which includes requirements that the San Diego Association of Governments (SANDAG) to appoint an independent performance auditor to conduct or to cause to be conducted performance audits of

all departments, offices, boards, activities, agencies, and programs relating to the agency. It also provides that the IPA have the power to appoint and employee personnel as believed necessary for efficient and effective administration of affairs of the office. The IPA is also charged with the responsibilities to investigate any material claim of financial fraud, waste or impropriety within the agency, claimant, or other persons.

As passed, Public Utilities Code SEC. 15. Section 132354.1 as amended reads as follows:

(a) The board shall arrange for a post audit of the financial transactions and records of the consolidated agency to be made at least annually by a certified public accountant.

(b) (1) The audit committee shall appoint an independent performance auditor, subject to approval by the board, who may only be removed for cause by a vote of at least two-thirds of the audit committee and the board.

(2) The independent performance auditor shall have authority to conduct or to cause to be conducted performance audits of all departments, offices, boards, activities, agencies, and programs of the consolidated agency. The auditor shall prepare annually an audit plan and conduct audits in accordance therewith and perform those other duties as may be required by ordinance or as provided by the California Constitution and general laws of the state. The auditor shall follow government auditing standards. All officers and employees of the consolidated agency shall furnish to the auditor unrestricted access to employees, information, and records, including electronic data, within their custody regarding powers, duties, activities, organization, property, financial transactions, contracts, and methods of business required to conduct an audit or otherwise perform audit duties. It is also the duty of any consolidated agency officer, employee, or agent to fully cooperate with the auditor, and to make full disclosure of all pertinent information.

(3) The auditor shall have the power to appoint, employ, and remove assistants, employees, and personnel as deemed necessary for the efficient and effective administration of the affairs of the office and to prescribe their duties, scope of authority, and qualifications.

(4) The auditor may investigate any material claim of financial fraud, waste, or impropriety within the consolidated agency and for that purpose may summon any officer, agent, or employee of the consolidated agency, any claimant, or other person, and examine him or her upon oath or affirmation relative thereto. All consolidated agency contracts with consultants, vendors, or agencies will be prepared with an adequate audit provision to allow the auditor access to the entity's records needed to verify compliance with the terms

specified in the contract. Results of all audits and reports shall be made available to the public in accordance with the requirements of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of the Title 1 of the Government Code).

(c) The board shall develop and adopt internal control guidelines to prevent and detect financial errors and fraud based on the internal control guidelines developed by the Controller pursuant to Section 12422.5 of the Government Code and the standards adopted by the American Institute of Certified Public Accountants.

(d) The board shall develop and adopt an administration policy that includes a process to conduct staff performance evaluations on a regular basis to determine if the knowledge, skills, and abilities of staff members are sufficient to perform their respective functions, and shall monitor the evaluation process on a regular basis.

(e) The board members shall make an annual report to their member agencies at a public meeting pursuant to Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code, that includes a summary of activities by the consolidated agency including, but not limited to, program developments, project updates, changes to voter-approved expenditure plans, and potential ballot measures.

With the passage of this mandate, SANDAG's Board of Directors have been required to hire an Independent Performance Auditor (IPA) and additional auditing resources to accommodate the amended sections eligible for reimbursement of increased cost which exceeds one thousand dollars (\$1,000) of cost as a result of the required state mandated activity.

The SANDAG Office of the Independent Performance Auditor (OIPA) is the official body of SANDAG to investigate allegations of potential fraud, waste, and abuse identified by SANDAG staff or other stakeholders.

The OIPA serves as the SANDAG Board of Directors oversight function that objectively evaluates and recommends improvements to SANDAG including prioritizing its efforts by continuously facilitating an objective risk assessment. The OIPA's audit functions are designed to include timely reporting of significant issues to appropriate oversight authorities. The OIPA is also responsible for developing and recommending that the board adopt internal control guidelines.

B. SANDAG LEGISLATIVE HISTORY PRIOR TO STATE MANDATE AMENDMENTS

Specifically relating to amended **SEC. 15**. Section 132354.1 (b) (2), (3), and (4), (c), (d), and (e), no requirements existed prior to 2017, nor in any of the intervening years, until the passage of Chapter 658, Statutes of 2017, filed on October 11, 2017, to mandate that SANDAG appoint an independent performance auditor who shall have the power to appoint and employ as deemed necessary...

Since inception in 1980 (forty-years), SANDAG has employed one full-time internal audit positions that helped the organization to ensure a sufficient system of controls and adhere to applicable laws, rules, regulations and policies. SANDAG's previous internal auditor reported directly to management and the audit plan was approved by management. Consequently, the skeletal staff had no independence and no ability to report risk to the Board. There was not an Audit Committee to submit audit findings that reached beyond management. This position currently exists and is not included in this mandate test claim.

In 2017, public trust was harmed as a result of misstated forecasts and cost projections. This trust has not been fully restored still today. As a result, AB805 was written with specific acts required which determined to contain costs mandated by the state.

C. SPECIFIC STATUTORY SECTIONS THAT CONTAIN THE MANDATED ACTIVITIES

As related above, the mandated activities specifically contained within Public Utilities Code SEC. 15. Section 132354.1(b) (2), (3), and (4), (c), (d), and (e). This section and subsections directly relate to the reimbursable provisions of this test claim.

The detailed activity cost below includes various auditor positions that have been hired or estimated to be hired. It should be pointed out that there are no duplicate positions or cost identified below rather the position classification may be repeated as SANDAG is seeking more than one auditor (position) with the same classification.

Below include positions (actual and estimated) specifically to accommodate the statutory mandate section and subsections stated above. Each position and associated cost are seen as the "Activity" that will jointly share responsibility to audit and ensure that the mandated requirements are accomplished.

Further, the cost associated with the auditor positions which include equipment and supplies, required training and development and professional dues and licensing are cost associated and required for government auditors and professional auditing standards which are required to be followed according to AB805. If the positions to accommodate the mandate did not exist, the associated cost would

also not exist, therefore SANDAG believes that these costs are as a result of the required state mandate and are increased costs.

Below in sections D to F are Activities identified that tie specifically within Public Utilities Code SEC. 15. Section 132354.1(b) (2), (3), and (4), (c), (d), and (e). The activities will ensure that...

The SANDAG Office of the Independent Performance Auditor (OIPA) is the official body of SANDAG to investigate allegations of potential fraud, waste, and abuse identified by SANDAG staff or other stakeholders.

The OIPA serves as the SANDAG Board of Directors oversight function that objectively evaluates and recommends improvements to SANDAG including prioritizing its efforts by continuously facilitating an objective risk assessment. The OIPA's audit functions are designed to include timely reporting of significant issues to appropriate oversight authorities. The OIPA is also responsible for developing and recommending that the board adopt internal control guidelines.

FISCAL YEAR 2018/19 - Fiscal Year for which the claim was filed to implement the alleged mandate (Worksheet page 5).

D. ACTUAL COST FOR FISCAL YEAR 2018/19 April 2, 2018 to June 23, 2019

1. Implementation Costs Commenced in Fiscal Year 2018-19

- a. **MKH- IPA-** Independent Performance Auditor Annual Sal and Benefits \$74,567.29
- b. Professional Membership \$480
- c. **JK – General Counsel** - Legal Support \$982.79

Total Increased Cost April 2, 2019 – June 23, 2019 \$76,030

Funding Source: Member Assessments

FISCAL YEAR 2019/20 – Actual and estimated annual cost that has or will be incurred by claimant to implement the mandate during the fiscal year immediately following the fiscal year of which the claim was filed (Statewide and SANDAG - Grand Total Actual (\$295,537.61) and Estimated (\$134,621.15) cost FY 20-21 \$430,158.76 to worksheet page 5).

E. ACTUAL COST FOR FISCAL YEAR 2019-20 \$295,537.61 (specific date detailed below)

1. Actual Cost incurred in Fiscal Year 2019-20 (July 1 to April 29, 2020)

- a. **IPA (MKH)** - Independent Performance Auditor (Sal and Ben) \$225,157.73
- b. Travel \$971.56
- c. Office Supplies \$144.37

d. Professional Software \$168
Total Annual Increased Cost \$226,441.66
Funding Source: Member Assessments

2. Actual Cost Incurred in **Fiscal Year 2019-20 (January 2, 2019 to April 29, 2020)**
PMIA (CCO)- Principal Management Internal Auditor (Sal and Ben) \$53, 925.17
Funding Source: Other nonlocal agency funds – borrowed / temp (2 yrs)
3. Actual Cost Incurred in **Fiscal Year 2019-20 (January 2, 2019 to April 29, 2020)**
INTERN (RO)- Principal Management Internal Auditor (Sal and Ben) \$7,217.54
Funding Source: Other nonlocal agency funds – borrowed / temp (2 yrs)
4. Actual Cost Incurred in **Fiscal Year 2019-20 (January 2, 2019 to April 29, 2020)**
INTERN (MR)- Principal Management Internal Auditor (Sal and Ben) \$7,953.25
Funding Source: Other nonlocal agency funds – borrowed / temp (2 yrs)

F. ESTIMATED ANNUAL COST FOR **FISCAL YEAR 19-20 (April 30 to June 30, 2020) of \$134,621.15 (detailed below)**

1. Estimated Cost in Fiscal Year 2019-20 (April 30 – June 30, 2020)
IPA (MKH) Independent Performance Auditor Sal and Ben \$65,883.75
Funding Source: Member Assessments
2. Estimated Cost in Fiscal Year 2019-20 (April 30 – June 30, 2020)
PMIA (CCO) Principal Management Internal Auditor Sal and Ben \$47,302.80
Funding Source: Other nonlocal agency funds – borrowed / temp (2 yrs)
3. Estimated Cost in Fiscal Year 2019-20 (April 30 – June 30, 2020)
INTERN (RO) Audit Intern Sal and Ben \$6,342.30
Funding Source: Other nonlocal agency funds – borrowed / temp (2 yrs)
4. Estimated Cost in Fiscal Year 2019-20 (April 30 – June 30, 2020)
INTERN (RO) Audit Intern Sal and Ben \$6,342.30
Funding Source: Other nonlocal agency funds – borrowed / temp (2 yrs)
5. Estimated Cost for Other Associated Cost for the Office of the IPA (April 30 – June 30, 2020)
 - a. Equipment and Other Supplies \$ (250 x 5 staff) \$1,250
 - b. Training and Professional Development \$ 5,000
 - c. Audit related Travel \$2,000
 - d. Professional Dues and Licensing \$500Total other Associated Cost for the Office of the IPA \$8,750
Funding Source: Other nonlocal agency funds – borrowed / temp (2 yrs)

Grand Total Actual (\$295,537.61) and Estimated (\$134,621.15) cost FY 19/20 \$430,158.76 (to worksheet page 5).

ONGOING ACTUAL AND ESTIMATED COST FY20/21 FORWARD (ADDITIONAL INFORMATION ONLY)

G. On- going Costs – The costs identified below will be ongoing increased cost to accommodate the required mandate as defined in Section A.

6. Cost to be incurred in Fiscal Year 2019-20 forward
 - a. IPA - Independent Performance Auditor Annual Sal and Benefits \$294,830
 - b. Equipment and other Office Supplies \$3,500 annually
 - c. Required Training and Development and Related Travel \$7,000 annually
 - d. Professional dues and licensing \$2,000 annuallyTotal Annual Increased Cost \$307,330
Funding Source: Member Assessments

7. Cost incurred in Fiscal Year 2020-21 forward
 - a. PMIA- Principal Management Internal Auditor Annual Sal and Benefits \$211,680
 - b. Equipment and other Office Supplies \$3,500 annually
 - c. Required Training and Development and Related Travel \$7,000
 - d. Professional dues and licensing \$1,000Total Annual Increased Cost \$223,180
Funding Source: Other nonlocal agency funds – temporary

8. Estimated Cost in Fiscal Year 2020-21 forward
 - a. AA1- Associate Auditor \$108,700
 - b. Equipment and other Office Supplies \$3,500 annually
 - c. Required Training and Development and Related Travel \$7,000
 - d. Professional dues and licensing \$1,000Total Annual Increased Cost \$ 120,200
Funding Source: proposed state mandate

9. Estimated Cost in Fiscal Year 2020-21 forward
 - a. AA2- Associate Auditor \$108,700
 - b. Equipment and other Office Supplies \$3,500 annually
 - c. Required Training and Development and Related Travel \$7,000
 - d. Professional dues and licensing \$1,000Total Annual Increased Cost \$ 120,200
Funding Source: proposed state mandate

10. Estimated Cost in Fiscal Year 2020-21 forward

- a. A1- Auditor I/II \$89,400
 - b. Equipment and other Office Supplies \$3,500 annually
 - c. Required Training and Development and Related Travel \$7,000
 - d. Professional dues and licensing \$1,000
- Total Annual Increased Cost \$ 100,900
Funding Source: proposed state mandate

11. Estimated Cost in Fiscal Year 2020-21 forward

- a. A2- Auditor I/II \$89,400
 - b. Equipment and other Office Supplies \$3,500 annually
 - c. Required Training and Development and Related Travel \$7,000
 - d. Professional dues and licensing \$1,000
- Total Annual Increased Cost \$ 100,900
Funding Source: proposed state mandate

12. Estimated Cost in Fiscal Year 2020-21 forward

- a. Administrative Support Staff \$77,250
 - b. Equipment and other Office Supplies \$3,500 annually
 - c. Training and Development \$3,000
- Total Annual Increased Cost \$ 83,750
Funding Source: proposed state mandate

13. Estimated Contracted Services for Legal and Other IPA support Services Fiscal
Year 2020-21 Forward of \$100,000

- Total Annual Increased Cost \$ 100,000
Funding Source: proposed state mandate

Total ongoing actual and estimated cost FY 20-21 forward \$1,156,460 (**informational only**)

H. DEDICATED FUNDING SOURCES FOR THIS MANDATE

FY 2018-19

State: \$0.00

Federal: \$0.00

Local agency's general-purpose funds: 0.00

Other nonlocal agency funds:

Fee authority to offset costs: \$76,030 (**first cost incurred 4/2/2019**)

FY 2019-20

State: \$0.00

Federal: \$0.00

Local agency's general-purpose funds: 0.00

Other nonlocal agency funds: \$136,617.28 (borrowed/temporary funding source 2 years)

Fee authority to offset costs: \$293,541.48 (membership fees)

I. STATEWIDE COST ESTIMATES OF ALL LOCAL AGENCIES RELATING TO THIS
MANDATE - (FY19/20)

This test claim specifically relates to amended **SEC. 15**. Section 132354.1 (b) (2), (3), and (4), (c), (d), and (e). This referenced section of which this test claim is being filed, solely relate to the state-imposed acts that are specific to SANDAG who will bear the full increased activity and costs to carry out this section of the mandate. The detailed for this calculation is found in **section E and F above in the amount of Total Actual (\$295,537.61) and Estimated (\$134,621.15) cost FY 19/20 \$430,158.76 (page 11-12).**

J. REIMBURSABLE COSTS MANDATED BY THE STATE

The costs incurred by SANDAG as a result of the statute included in the test claim are all reimbursable costs as such costs are "costs mandated by the State" under Article XIII B (6) of the California Constitution, and Section 17500 et seq. Of the Government Code. Section 17514 of the Government Code defines "costs mandated by the state", and specifies the following three requirements:

1. There are "increased costs which a local agency is required to incur after July 1, 1980."
2. The costs are incurred "as a result of any statute enacted on or after January 1, 1975."
3. The costs are the result of "a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution. "

All three of the above requirements for finding costs mandated by the State are met as described previously herein.

K. MANDATE: MEETS BOTH SUPREME COURT TESTS

The mandate created by these three statutes clearly meets both tests that the Supreme Court in the *County of Los Angeles v. State of California* (1987) created for determining what constitutes a reimbursable state mandated local program. Those two tests, which the Commission on State Mandates relies upon to determine if a reimbursable mandate exists, are the "unique to government" and the "carry out a state policy" tests. Their application to this test claim is discussed below.

Mandate is Unique to SANDAG - a Local Government Entity

The statutory scheme set forth above imposes a unique requirement on SANDAG as a local government. AB805, specifically relating to amended **SEC. 15**. Section 132354.1 (b)(2), (3), and (4), (c), (d), and (e), requires SANDAG to appoint an independent performance auditor, who is given the power to employ or appoint necessary resources. The IPA is given unique authority to conduct or to cause to be conducted performance audits of all departments, offices, boards, activities, agencies, and programs of the consolidated agency and investigate any material claim of financial fraud, waste, or impropriety within the consolidated agency and for that purpose may summon any officer, agent, or employee of the consolidated agency, any claimant, or other person, and examine him or her upon oath or affirmation relative thereto. Consequently, only SANDAG as an entity of local government is responsible for fulfilling these amended mandated acts. This mandate only applies to SANDAG.

Mandate Carries Out a State Policy

From the legislation, specifically relating to amended **SEC. 15**. Section 132354.1 (b) (2), (3), and (4), (c), (d), and (e), it is clear that the state wishes there to be independent audit oversight with the ability to employ sufficient audit resources that would help prevent potential fraud, waste, and abuse of public funds managed by SANDAG, to ensure that good systems of controls exists, and that SANDAG is transparent, held accountable, and is operating efficiently and effectively while acting in the best interest of the public.

In summary, the statute mandates that SANDAG appoint an independent performance auditor and employ sufficient audit resources, to perform duties that essentially help prevent fraud, waste, and abuse. To this end, SANDAG has had to appoint an independent performance auditor, employ and has plans to employ sufficient audit staff in order to comply with this legislation. Further, the cost associated with the activity cost, including equipment and supplies, training and development, and professional fees and licensing are required as a government auditor and under professional auditing standards which are required to be followed according to AB805, and are or will be incurred as a result of the position. If the mandate did not exist, the activity cost, including the associated cost would not exist, therefore SANDAG believes the total activity cost identified are increased cost as a result of a state mandate.

L. STATE FUNDING DISCLAIMERS ARE NOT APPLICABLE

There are seven disclaimers specified in Government Code, Section 17556 which could serve to bar recovery of "costs mandated by the State", as defined in

Government Code, Section 17556. None of the seven disclaimers apply to this test claim:

- a) The claim is submitted by a local agency or school district which requests legislative authority for that local agency or school district to implement the Program specified in the statutes, and that statute imposes costs upon the local agency or school district requesting the legislative authority.
- b) The statute or executive order affirmed for the State that which had been declared existing law or regulation by action of the courts.
- c) The statute or executive order implemented a federal law or regulation and resulted in costs mandated by the federal government, unless the statute or executive order mandates costs which exceed the mandate in that federal law or regulation.
- d) The local agency or school district has the authority to levy service charges, fees or assessments **sufficient** to pay for the mandated program or increased level of service (**Please see explanation relating to this disclaimer below**).
- e) The statute or executive order provides for offsetting savings to local agencies or school districts **which result in no net costs** to the local agencies or school districts or includes additional revenue that was specifically intended to fund the costs of the State mandate in an amount sufficient to fund the cost of the State mandate.
- f) The statute or executive order-imposed duties which were expressly included in a ballot measure approved by the voters in a Statewide election.
- g) The statute created a new crime or infraction, eliminated a crime or infraction, or changed the penalty for a crime or infraction, but only for that portion of the statute relating directly to the enforcement of the crime or infraction.

Though SANDAG has the ability to and has assessed membership assessment fees to board members that represent the county and cities around the San Diego Region, 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 cost that resulted from the state-imposed mandate. Since April of 2019, the assessments have and continue to be used to offset the cost mandated cost, but there are residuals cost associated with the state-imposed mandate. The amounts collected are not sufficient and do result in cost incurred that are 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 neither d or e (above) would be applicable*. Test Claim Form Sections 4-7 Worksheet will reflect the amount of assessments collected as an offset to the total cost and is identified under the fee authority to offset costs section.

Specifically relating to amended SEC. 15. Section 132354.1 (b) (2), (3), and (4), (c), (d), and (e), none of the above disclaimers have any application to SANDAG's test claim. Though SANDAG has the authority to collect membership fees, and has, disclaimer (d) or (e) above, do not apply. SANDAG does not collect fees that are sufficient to fully cover the increased cost associated with mandated program or increased level of service that has been imposed by the State. As recognized by the California Supreme Court in Dept. of Finance v. Commission on State Mandates (Kern High School District) (2003) 30 Cal.4th 727, state reimbursement for a mandated program may be required notwithstanding the availability of partial funding for that program if the funding provided would not fully cover the compliance costs. (Id. at pp. 747-748.)

SANDAG's Membership Fee Assessment Authority states:

"PUC 132354 states in part: "The consolidated agency shall have and may exercise all rights and powers, expressed or implied, that are necessary to carry out the purposes and intent of this chapter, including, but not limited to, the power to do all of the following: . . . (h) To fix and collect fees for any services rendered by it.

Article VI, Section 2. of the SANDAG Bylaws states: Responsibility for supplying funds for that portion of the budget for SANDAG, which is to be supplied by the Member Agencies, as adopted by the Board of Directors, shall be divided among the Member Agencies based on their population with each Member Agency including within its budget as funds to be supplied to SANDAG that sum of money determined by taking the ratio its population bears to the total population of the region and multiplying it by that portion of the approved budget to be supplied by the Member Agencies. Payment of this determined sum of money shall be made by each Member Agency by July 15 of each year. If payment by a Member Agency has not been made by September 1 of each year, that Member Agency shall no longer vote as a member of the Board of Directors. A delinquent Member Agency will be allowed to vote when full payment has been made, including interest computed from July 15 at the established legal rate."

Further, in review of other state mandated perimeters and guidelines of test claims approved by the Commission on State Mandates the following statement is embedded. *Per P&G's for the Administrative License Suspension - Per Se (98-TC-16):*

"VII. OFFSETTING SAVINGS AND REIMBURSEMENTS

Any offsetting savings the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. ***In addition, reimbursement for this mandate received from any source, including but not limited to, service fees collected, including fees collected pursuant to Vehicle Code section 14905;*** federal funds and other state funds; and grant monies received by the state and passed through to local agencies (obtained by Public Law 100-690, which added United States Code, title 23, sections 408 and 410), shall be identified and deducted from this claim."

In 2019, SANDAG doubled membership assessment fees to cover the cost associated with the position of the Independent Performance Auditor on an annual basis (FY19/20). This amount will be applied as an annual offset to the total cost which include other audit resources and support staff necessary to carry out the state-imposed mandate. However, the assessment fees are not sufficient and do not fully cover the cost of other audit staff and associated cost required in order to accommodate the mandate.

Conclusion

The enactment of Chapter 658, Statutes of 2017, specifically relating to amended SEC. 15. Section 132354.1 (b) (2), (3), and (4), (c), (d), and (e), imposed a new state mandated program and cost on SANDAG, by requiring it to appoint an independent performance auditor and employee sufficient audit resources, to bring independent oversight that would help to prevent fraud, waste, and abuse. The mandated program meets all the criteria and tests for the Commission on State Mandates to find a reimbursable state mandated program. None of the identified disclaimers or other statutory or constitutional provisions that would relieve the State from its constitutional obligation to provide reimbursement have any application to this claim including (d) and (e) above, as the assessment fees are not sufficient enough to fully offset the total cost associated with the imposed state imposed mandate. Lastly, the activity cost identified include cost associated with audit positions that are required as a government auditor and professional auditing standards required to be followed according to AB805 and are or will be incurred as a result of the position. If the state mandated activity was not required, the positions would not be required, and the cost associated with the positions would not exist. Therefore, SANDAG believes that the associated activity cost is increased cost as a result of the activity cost required to accommodate the state mandated statutes, acts, sections and subsections.

M. CLAIM REQUIREMENTS

The following elements of this test claim are provided pursuant to Section 1183.1 (a) (1-5), Title 2, of the California Code of Regulations:

Attached Addendum 1: Chapter 658, Statutes of 2017

CLAIM CERTIFICATION AND WRITTEN REPRESENTATION

As SANDAG's Chief Financial Officer I can attest with *personal knowledge* and in some cases hearsay that this test claim and narrative was assembled using reliable financial data supported with general ledgers, payroll, budget and other costs center sources to compile the actual and estimated activity cost detailed starting on **page 11 Section D through Section F**. Additionally, funding sources are also specific and detailed starting on **page 14 Section H**. Specific dates, activity and cost are included in detail starting on page 11 and funding sources detailed on page 14 are true and accurate. I further attest that the first incurred cost for this mandate test claim for began on **April 2, 2019 (FY18/19)** which is supported with sufficient and accurate payroll records and employment contracts. The ledgers, payroll, and other data used to compile the cost in some cases may be conceived as Hearsay. Therefore, please find attached, evidence consisting of an excel spreadsheet with compiled payroll data that is further supported with SANDAG's payroll general ledger for the Office of the Independent Auditor. This added evidence should be considered a sufficient source document derived and extracted directly from SANDAG's system of record for the actual cost incurred as a result of the state mandate in FY18/19 and FY19/20.

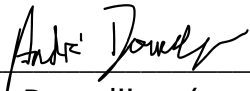
According to the Commission Hearsay and Personal Knowledge evidence may be used for the purpose of sufficient evidence if it would be admissible over objection in civil actions.

The foregoing facts are *known to me personally* and in some cases *hearsay* where I did not directly enter cost information into the accounting system, however still having been the been the approver or reviewer of the information. I am personally conversant with the foregoing facts, and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the statements made in this document are true and complete to the best of *my personal knowledge*, information and belief, and *direct or indirect approval* as to all matters, I believe them to be true.

Further, additional evidence is provided starting on page 20 "**DECLARATION OF ANDRE DOUZDJIAN**".

Revised and executed this 21st day of April 2020, at San Diego, California, by:



Andre Douzdjian, (*Delegated Authority*)
Chief Financial Officer
SANDAG
401 B Street, Suite 800
San Diego CA 92010
619-699-6931 (wk.)
619-699-1905 (fax)
Andre.Douzdjian@sandag.org

DECLARATION OF ANDRE DOUZDJIAN

I, Andre Douzdjian, make the following declaration under oath:

I am the Chief Financial Officer for SANDAG, and as part of my duties, I am also the person responsible to ensure SB 90 claims are accurately reported. As part of my duties, I would be responsible for the complete and timely recovery of costs mandated by the State.

I declare that I have examined the State mandated duties and resulting costs, in implementing the subject law, and find that such costs are, in my opinion, "costs mandated by the State", as defined in Government Code, Section 17514:

"'Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

I declare that the actual cost commenced on April 2, 2019 to June 30, 2019 (FY18/19), continued incurred cost from July 1, 2019 to April 29, 2020, additional

added cost from January 2, 2020 to April 29, 2020 (FY19/20), and estimated annual increased costs from April 30, 2020 to June 30, 2020 (FY19/20) has been or will be incurred by SANDAG to implement the alleged mandate as stated, starting on page 11, Section D through F are supported and accurate.

I declare that the identified funds stated, starting on page 14 Section H are accurate in regards to all local, state, or federal funds, and fee authority that may be used to offset the increased costs that will be incurred by SANDAG to implement the alleged mandate, including direct and indirect costs.

I declare that the described new activities performed to implement specified provisions of the new statute or executive order alleged to impose a reimbursable state-mandated program specifically regarding the enactment of Chapter 658, Statutes of 2017, specifically relating to amended SEC. 15. Section 132354.1 (b) (2), (3), and (4), (c), (d), and (e), which imposed a new state mandated program and cost on SANDAG, by requiring it to appoint an independent performance auditor and employee sufficient audit resources, to bring independent oversight that would help to prevent fraud, waste, and abuse. Furthermore, the activity cost identified include cost associated with audit positions that are required as a government auditor and professional auditing standards required to be followed according to AB805 and are or will be incurred as a result of the position. If the state mandated activity was not required, the positions would not be required, and the cost associated with the positions would not exist. Therefore, as the CFO I believe that the associated activity cost is increased cost as a result of the activity cost required to accommodate the state mandated statutes, acts, sections and subsections.

I declare that the activity described on the attached Addendum specifically relating to amended SEC. 15. Section 132354.1 (b) (2), (3), and (4), (c), (d), and (e), which imposed a new state mandated program and cost on SANDAG has created a state mandate **(Attached Addendum page 15-16)**. Further I declare that under **SEC. 19.** which states that "If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code" that SANDAG has a state mandate imposed that contains acts due to cost mandated by the state **(Attached Addendum page 17, last paragraph)**.

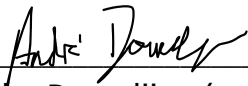
Link Source https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB805

I further declare that the period of reimbursement and payments received for full reimbursement of costs for a legislatively determined mandate pursuant to [Government Code section 17573](#), and the authority to file a test claim pursuant to paragraph (1) of subdivision (c) of [Government Code section 17574](#) exist for this test claim. The first cost incurred on April 2, 2019 to June 30, 2019 (FY 18/19) with continued incurred cost added for the period of July 1, 2019 to April 29, 2020, additional incurred cost from January 2, 2020 to April 29, 2020 (FY 19/20) and estimated cost for the period of April 30, 2020 to June 30, 2020 (FY 19/20).

I further declare that all documents referenced in this certification including but not limited to the referenced ledgers, payroll, and other data used to compile the cost were made in the regular course of a business, and were created at or near the time of the transactions which they reflect. As the Chief Financial Officer of SANDAG I am the custodian of the records and I certify that each such record truly and accurately represents the information contained therein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own personal knowledge, information or belief, and as to those matters, I believe them to be true. I am personally conversant with the foregoing facts, and if so required, I could and would testify to the statements made herein.

Revised and executed this 21st day of April 2020 at San Diego, California.



Andre Douzdjian (*Delegated Authority*)

Chief Financial Officer

SANDAG

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Enclosures

Board Resolution No. RTC-2019-04

Delegation of Authority Official Email AB805 Test Claim

Addendum Chapter 658, Statutes of 2017

Additional Evidence of incurred cost FY18-19 and FY19-20


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AB-805 County of San Diego: transportation agencies. (2017-2018)

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Date Published: 10/12/2017 02:00 PM

Assembly Bill No. 805

CHAPTER 658

An act to amend Sections 120050.2, 120051.6, 120102.5, 125102, 132351.1, 132351.2, 132351.4, 132352.3, 132354.1, 132360.1, and 132362 of, to add Sections 120221.5, 125222.5, and 132354.7 to, to add Article 11 (commencing with Section 120480) to Chapter 4 of Division 11 of, to add Article 9 (commencing with Section 125480) to Chapter 4 of Division 11.5 of, and to repeal Sections 120050.5 and 120051.1 of, the Public Utilities Code, relating to transportation.

[Approved by Governor October 11, 2017. Filed with Secretary of State October 11, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 805, Gonzalez Fletcher. County of San Diego: transportation agencies.

(1) Existing law provides for the consolidation of certain regional transportation planning, programming, and related functions in San Diego County from various existing agencies including the San Diego Association of Governments (SANDAG), the San Diego Metropolitan Transit Development Board, also known as the San Diego Metropolitan Transit System (MTS), and the North County Transit District (NCTD).

Existing law provides for the consolidated agency, commonly known as SANDAG, to be governed by a board of directors of 21 city and county members selected by the governing body of each member agency. Existing law provides that the officers of the board are the chairperson and the vice chairperson.

This bill would require the mayor and the president of the city council of the City of San Diego to serve on the board. The bill would delete the requirement for the chair of the County of San Diego Board of Supervisors to serve on the board. The bill would also revise the selection of alternate members of the board. The bill would require that the chairperson and vice chairperson be elected by the membership of the board every 2 years or when a vacancy exists by the weighted vote process and that the chairperson and the vice chairperson not represent the same subregion.

Existing law, in order for the SANDAG board to act on any item, generally requires a majority vote of the members present on the basis of one vote per agency as well as a weighted vote pursuant to a specified process, except in the case of consent items.

This bill would modify the weighted vote process.

Existing law provides for SANDAG to have 4 standing policy advisory committees named the executive, transportation, regional planning, and borders committees.

This bill would increase the membership of the transportation committee from 9 to 10 members and would additionally provide for an audit committee with specified responsibilities, including the appointment of an

independent performance auditor. The bill would require SANDAG to submit an annual report to the Legislature, developed by its transportation committee, that outlines various matters related to public transit.

Existing law provides for the consolidated agency to prepare a regional comprehensive plan containing various elements, as specified.

This bill would require the regional comprehensive plan to address greenhouse gas emissions reduction targets set by the State Air Resources Board and would require the plan to include strategies that provide for mode shift to public transportation. The bill would also require the board members of the consolidated agency to make an annual report to their member agencies at a public meeting that includes a summary of the activities of the consolidated agency, including, but not limited to, program developments, project updates, changes to voter-approved expenditure plans, and potential ballot measures.

(2) Existing law creates MTS and NCTD, with various public transit responsibilities in the southern and northern parts of the County of San Diego, respectively. Existing law provides for MTS to be governed by a board of 15 members generally consisting of city and county representatives selected by member agencies. Existing law provides that the chairperson of the MTS board is a resident of the County of San Diego selected by the board, as specified.

This bill would require one of the 4 San Diego City Council members on the MTS board to be the mayor. The bill would grant to the City of Chula Vista a 2nd member, who would be the mayor. The bill would require the chairperson of the MTS board to be selected by the board. The bill would also revise the process for selecting alternate members of the MTS board.

Existing law generally provides that official acts of the MTS or NCTD board require the affirmative vote of the majority of the members of the board, except that a weighted vote of the MTS board may be requested pursuant to a specified process.

This bill would create a similar weighted voting process for NCTD and modify the weighted voting process for the MTS.

Existing law authorizes various transportation agencies, including SANDAG, to impose a transactions and use tax for transportation purposes within its jurisdiction, subject to approval of $\frac{2}{3}$ of the voters and various other requirements. Existing law provides for issuance of bonds backed by these tax revenues, as specified.

This bill would additionally authorize MTS and NCTD to individually impose a specified transactions and use tax within their respective portions of the County of San Diego, with revenues to be used for public transit purposes, as specified, serving their jurisdictions, and to issue bonds backed by these tax revenues, subject to similar requirements.

The bill would authorize the MTS and the NCTD to increase the amount of the necessary preparatory costs incident to the administration and operation of the ordinance imposing a transactions and use tax. The bill would also require the MTS and the NCTD to provide to the California Department of Tax and Fee Administration, within 45 days of the approval of the ordinance by the voters, a complete alphabetical list of all streets within the affected unincorporated area of their respective jurisdictions, maintain that list on their Internet Web sites, and provide a specified legal description and a map or plat.

Existing law authorizes the board of the MTS, the NCTD, and the consolidated agency to enter into and perform all necessary contracts to construct or develop property for transit purposes, including, but not limited to, employing labor and doing all acts necessary and convenient for the full exercise of the powers granted to each of these agencies.

This bill would prohibit the MTS, the NCTD, and the consolidated agency from entering into a construction contract over \$1,000,000 with any entity unless the entity provides to each agency an enforceable commitment that the entity and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or a contract that falls within an apprenticeship occupation in the building and construction trades, except as specified.

(3) Existing law provides that if the consolidated agency provides compensation to the County of San Diego for the cost of including an ordinance or measure on the ballot, the consolidated agency may call an election, including an advisory election, in the county on any ordinance or measure regarding the governance of or matters related to the powers, privileges, or duties of the consolidated agency, including, but not limited to,

merger or complete consolidation of the transit boards. However, existing law also provides that a complete consolidation requires enactment of a statute by the Legislature.

This bill would require that any ordinance or measure adopted pursuant to these provisions be consistent with, and not in conflict with, any other statutory provisions governing the consolidated agency.

(4) By imposing additional requirements on local agencies, 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: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 120050.2 of the Public Utilities Code is amended to read:

120050.2. The board consists of 15 members selected as follows:

(a) One member of the County of San Diego Board of Supervisors, appointed by the board of supervisors.

(b) One member of each city council appointed individually by the city councils of the Cities of Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, and Santee.

(c) Four members of the City Council of the City of San Diego, one of whom shall be the mayor, and two members of the City Council of the City of Chula Vista, one of whom shall be the mayor, each appointed by their respective city council.

(d) The chairperson of the board shall be selected by a two-thirds vote of the board, a quorum being present. The chairperson shall serve for a term of two years, except that he or she is subject to removal at any time by a two-thirds vote of the board, a quorum being present.

SEC. 2. Section 120050.5 of the Public Utilities Code is repealed.

SEC. 3. Section 120051.1 of the Public Utilities Code is repealed.

SEC. 4. Section 120051.6 of the Public Utilities Code is amended to read:

120051.6. The alternate members of the board shall be appointed as follows:

(a) The County of San Diego Board of Supervisors shall appoint a county supervisor, not already appointed under Section 120051, who represents one of the two supervisorial districts with the greatest percentage of its area within the incorporated area of the County of San Diego within the area under the jurisdiction of the transit development board as defined in Section 120054, to serve as an alternate member of the transit development board.

(b) The city councils of the cities specified in subdivision (b) or (c) of Section 120050.2 shall each individually appoint a member of their respective city councils not already appointed pursuant to subdivision (b) or (c) of Section 120050.2 to serve as an alternate member of the transit development board for each member of the city on the board.

(c) At its discretion, a city council or the county board of supervisors may appoint a second alternate member, in the same manner as first alternates are appointed, to serve on the board in the event that neither a member nor the alternate member is able to attend a meeting of the board.

(d) An alternate member and second alternate member shall be subject to the same restrictions and shall have the same powers, when serving on the board, as a member.

SEC. 5. Section 120102.5 of the Public Utilities Code is amended to read:

120102.5. (a) A majority of the members of the board constitutes a quorum for the transaction of business. All official acts of the board require the affirmative vote of the majority of the members of the board present. However, after a vote of the members is taken, a weighted vote may be called by the members of any two jurisdictions.

(b) In the case of a weighted vote, the County of San Diego and each city shall, in total, exercise 100 votes to be apportioned annually based on population, except in the case of the City of San Diego. Each of the four representatives of the City of San Diego shall exercise 12 $\frac{1}{2}$ weighted votes, for a total of 50 votes. The representatives for the City of Chula Vista shall split the votes allocated to that city evenly among its representatives.

(c) Approval under the weighted vote procedure requires the vote of the representatives of not less than three jurisdictions representing not less than 51 percent of the total weighted vote to supersede the original action of the board.

(d) When a weighted vote is taken on any item that requires more than a majority vote of the board, it shall also require the supermajority percentage of the weighted vote.

(e) For purposes of subdivision (b), the population of the County of San Diego is the population in the unincorporated area of the county within the area of jurisdiction of the transit development board pursuant to Section 120054.

(f) The board shall adopt a policy and procedure to implement this section.

SEC. 6. Section 120221.5 is added to the Public Utilities Code, to read:

120221.5. The board shall not enter into a construction contract over one million dollars (\$1,000,000) with any entity unless the entity provides to the board an enforceable commitment that the entity and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or a contract that falls within an apprenticeship occupation in the building and construction trades in accordance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

(a) This subdivision shall not apply if any of the following requirements are met:

(1) The board has entered into a project labor agreement that will bind all contractors and subcontractors performing work on the project or the board has contracted to use a skilled and trained workforce and the entity has agreed to be bound by that project labor agreement.

(2) The project or contract is being performed under the extension or renewal of a project labor agreement that was entered into by the board before January 1, 2017.

(3) The entity has entered into a project labor agreement that will bind the entity and all its subcontractors at every tier performing the project or the entity has contracted to use a skilled and trained workforce.

(b) For purposes of subdivision (a), "project labor agreement" has the same meaning as defined in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

SEC. 7. Article 11 (commencing with Section 120480) is added to Chapter 4 of Division 11 of the Public Utilities Code, to read:

Article 11. Transactions and Use Tax

120480. (a) A retail transactions and use tax ordinance applicable in the incorporated and unincorporated territory within the area of the board pursuant to Section 120054 shall be imposed by the board in accordance with Section 120485 and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, and Section 2 of Article XIII C of the California Constitution. The tax ordinance shall take effect at the close of the polls on the day of election at which the proposition is adopted. The initial collection of the transactions and use tax shall take place in accordance with Section 120483.

(b) If, at any time, the voters do not approve the imposition of the transactions and use tax, this chapter remains in full force and effect. The board may, at any time thereafter, submit the same, or a different, measure to the voters in accordance with this chapter.

120481. (a) The board, in the ordinance, shall state the nature of the tax to be imposed, the tax rate or the maximum tax rate, the purposes for which the revenue derived from the tax will be used, and may set a term during which the tax will be imposed. The purposes for which the tax revenues may be used shall be limited to public transit purposes serving the area of jurisdiction of the board, as determined by the board, including the administration of this division and legal actions related thereto. These purposes include expenditures for the planning, environmental reviews, engineering and design costs, and related right-of-way acquisition. The ordinance shall contain an expenditure plan that shall include the allocation of revenues for the purposes authorized by this section.

(b) As used in this section, "public transit purposes" includes the public transit responsibilities under the jurisdiction of the board as well as any repair, redesign, or ongoing maintenance of a right-of-way upon which transit is intended to travel, or any bikeway, bicycle path, sidewalk, trail, pedestrian access, or pedestrian accessway.

120482. (a) The county shall conduct an election called by the board pursuant to Section 120480.

(b) The election shall be called and conducted in the same manner as provided by law for the conduct of elections by a county.

120483. (a) Any transactions and use tax ordinance adopted pursuant to this article shall be operative on the first day of the first calendar quarter commencing more than 150 days after adoption of the ordinance.

(b) (1) Prior to the operative date of the ordinance, the board shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of the ordinance. The costs to be covered by the contract may also include services of the types described in Section 7272 of the Revenue and Taxation Code for preparatory work up to the operative date of the ordinance. Any disputes as to the amount of the costs shall be resolved in the same manner as provided in that section.

(2) Notwithstanding Section 7272 of the Revenue and Taxation Code, the maximum amount of preparatory costs incurred may exceed those costs as described in paragraph (1), if the increased amount reflects necessary preparatory costs.

(c) Within 45 days from the date the ordinance is approved by the voters, the board shall provide the California Department of Tax and Fee Administration with a complete alphabetical list of all streets within the affected unincorporated area under the jurisdiction of the board pursuant to Section 120054, which shall include beginning and ending street numbers, and shall maintain that list on its Internet Web site. The board shall also provide a legal description and a map or plat, that both describe the boundaries of the applicable unincorporated territory within the area of the board pursuant to Section 120054.

120484. The revenues from the taxes imposed pursuant to this article may be allocated by the board for public transit purposes consistent with the applicable regional transportation improvement program and the applicable regional transportation plan.

120485. The board, subject to the approval of the voters, may impose a maximum tax rate of one-half of 1 percent under this article and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code. The board shall not levy the tax at a rate other than one-half or one-fourth of 1 percent unless specifically authorized by the Legislature.

120486. The board, as part of the ballot proposition to approve the imposition of a retail transactions and use tax, may seek authorization to issue bonds payable from the proceeds of the tax.

120487. Any action or proceeding wherein the validity of the adoption of the retail transactions and use tax ordinance provided for in this article or the issuance of any bonds thereunder or any of the proceedings in relation thereto is contested, questioned, or denied, shall be commenced within six months from the date of the election at which the ordinance is approved; otherwise, the bonds and all proceedings in relation thereto, including the adoption and approval of the ordinance, shall be held to be valid and in every respect legal and incontestable.

120488. The board has no power to impose any tax other than the transactions and use tax imposed upon approval of the voters in accordance with this article.

SEC. 8. Section 125102 of the Public Utilities Code is amended to read:

125102. (a) A majority of the members of the board constitutes a quorum for the transaction of business. All official acts of the board require the affirmative vote of the majority of the members of the board present. However, after a vote of the members is taken, a weighted vote may be called by any two members.

(b) In the case of a weighted vote, the County of San Diego and each city shall, in total, exercise 100 votes to be apportioned annually based on population.

(c) Approval under the weighted vote procedure requires the vote of the representatives of not less than three jurisdictions representing not less than 51 percent of the total weighted vote to supersede the original action of the board.

(d) When a weighted vote is taken on any item that requires more than a majority vote of the board, it shall also require the supermajority percentage of the weighted vote.

(e) For purposes of subdivision (b), the population of the County of San Diego is the population in the unincorporated area of the county within the area of jurisdiction of the board pursuant to Section 125052.

(f) The board shall adopt a policy and procedure to implement this section.

SEC. 9. Section 125222.5 is added to the Public Utilities Code, to read:

125222.5. The district shall not enter into a construction contract over one million dollars (\$1,000,000) with any entity unless the entity provides to the district an enforceable commitment that the entity and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or a contract that falls within an apprenticeship occupation in the building and construction trades in accordance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

(a) This subdivision shall not apply if any of the following requirements are met:

(1) The district has entered into a project labor agreement that will bind all contractors and subcontractors performing work on the project or the district has contracted to use a skilled and trained workforce and the entity has agreed to be bound by that project labor agreement.

(2) The project or contract is being performed under the extension or renewal of a project labor agreement that was entered into by the district before January 1, 2017.

(3) The entity has entered into a project labor agreement that will bind the entity and all its subcontractors at every tier performing the project or the entity has contracted to use a skilled and trained workforce.

(b) For purposes of subdivision (a), "project labor agreement" has the same meaning as defined in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

SEC. 10. Article 9 (commencing with Section 125480) is added to Chapter 4 of Division 11.5 of the Public Utilities Code, to read:

Article 9. Transactions and Use Tax

125480. (a) A retail transactions and use tax ordinance applicable in the incorporated and unincorporated territory within the area of the board pursuant to Section 125052 shall be imposed by the board in accordance with Section 125485 and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, and Section 2 of Article XIII C of the California Constitution. The tax ordinance shall take effect at the close of the polls on the day of election at which the proposition is adopted. The initial collection of the transactions and use tax shall take place in accordance with Section 125483.

(b) If, at any time, the voters do not approve the imposition of the transactions and use tax, this chapter remains in full force and effect. The board may, at any time thereafter, submit the same, or a different, measure to the voters in accordance with this chapter.

125481. (a) The board, in the ordinance, shall state the nature of the tax to be imposed, the tax rate or the maximum tax rate, the purposes for which the revenue derived from the tax will be used, and may set a term during which the tax will be imposed. The purposes for which the tax revenues may be used shall be limited to

public transit purposes serving the area of jurisdiction of the board, as determined by the board, including the administration of this division and legal actions related thereto. These purposes include expenditures for the planning, environmental reviews, engineering and design costs, and related right-of-way acquisition. The ordinance shall contain an expenditure plan that shall include the allocation of revenues for the purposes authorized by this section.

(b) As used in this section, "public transit purposes" includes the public transit responsibilities under the jurisdiction of the district as well as any repair, redesign, or ongoing maintenance of a right-of-way upon which transit is intended to travel, or any bikeway, bicycle path, sidewalk, trail, pedestrian access, or pedestrian accessway.

125482. (a) The county shall conduct an election called by the board pursuant to Section 125480.

(b) The election shall be called and conducted in the same manner as provided by law for the conduct of elections by a county.

125483. (a) Any transactions and use tax ordinance adopted pursuant to this article shall be operative on the first day of the first calendar quarter commencing more than 150 days after adoption of the ordinance.

(b) (1) Prior to the operative date of the ordinance, the board shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of the ordinance. The costs to be covered by the contract may also include services of the types described in Section 7272 of the Revenue and Taxation Code for preparatory work up to the operative date of the ordinance. Any disputes as to the amount of the costs shall be resolved in the same manner as provided in that section.

(2) Notwithstanding Section 7272 of the Revenue and Taxation Code, the maximum amount of preparatory costs incurred may exceed those costs as described in paragraph (1), if the increased amount reflects necessary preparatory costs.

(c) Within 45 days from the date the ordinance is approved by the voters, the board shall provide the California Department of Tax and Fee Administration with a complete alphabetical list of all streets within the affected unincorporated area under the jurisdiction of the board pursuant to Section 125052, which shall include beginning and ending street numbers, and shall maintain that list on its Internet Web site. The board shall also provide a legal description and a map or plat, that both describe the boundaries of the applicable unincorporated territory within the area of the board pursuant to Section 125052.

125484. The revenues from the taxes imposed pursuant to this article may be allocated by the board for public transit purposes consistent with the applicable regional transportation improvement program and the applicable regional transportation plan.

125485. The board, subject to the approval of the voters, may impose a maximum tax rate of one-half of 1 percent under this article and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code. The board shall not levy the tax at a rate other than one-half or one-fourth of 1 percent unless specifically authorized by the Legislature.

125486. The board, as part of the ballot proposition to approve the imposition of a retail transactions and use tax, may seek authorization to issue bonds payable from the proceeds of the tax.

125487. Any action or proceeding wherein the validity of the adoption of the retail transactions and use tax ordinance provided for in this article or the issuance of any bonds thereunder or any of the proceedings in relation thereto is contested, questioned, or denied, shall be commenced within six months from the date of the election at which the ordinance is approved; otherwise, the bonds and all proceedings in relation thereto, including the adoption and approval of the ordinance, shall be held to be valid and in every respect legal and incontestable.

125488. The board has no power to impose any tax other than the transactions and use tax imposed upon approval of the voters in accordance with this article.

SEC. 11. Section 132351.1 of the Public Utilities Code is amended to read:

132351.1. (a) A board of directors consisting of 21 members shall govern the consolidated agency.

(b) For purposes of this chapter, "governing body" means the board of supervisors, council, council and mayor where the mayor is not a member of the council, authority, trustees, director, commission, committee, or other policymaking body, as appropriate, that exercises authority over an entity represented on the board of the consolidated agency.

(c) All powers, privileges, and duties vested in or imposed upon the consolidated agency shall be exercised and performed by and through a board of directors provided, however, that the exercise of all executive, administrative, and ministerial power may be delegated and redelegated by the board, to any of the offices, officers, or committees created pursuant to this chapter or created by the board acting pursuant to this chapter.

(d) The board shall be composed of one primary representative selected by the governing body of each city in the county and a member of the San Diego County Board of Supervisors. However, the City of San Diego and the County of San Diego shall each have a primary and secondary representative, which for the City of San Diego shall be the mayor of the City of San Diego and the president of the city council. Each director shall be a mayor, councilperson, or supervisor, as applicable, of the governing body that selected him or her, and shall serve until recalled by the governing body of the city or county. Vacancies shall be filled in the same manner as originally selected. Each city or county shall also select one alternate to serve on the board when the primary or secondary representative, if applicable, is not available. The alternate shall be subject to the same restrictions and have the same powers, when serving on the board, as the representative for whom he or she is substituting. The alternate shall be a mayor, councilperson, or supervisor, as applicable, of his or her governing body.

(e) Notwithstanding subdivision (d), in those years when the primary representative of the San Diego County Board of Supervisors is from a district that is substantially an incorporated area, a supervisor who represents a district that is substantially an unincorporated area shall be appointed to the board as the secondary representative. Alternatively, in those years when the primary representative of the San Diego County Board of Supervisors is from a district that is substantially an unincorporated area, a supervisor who represents a district that is substantially an incorporated area shall be appointed to the board as the secondary representative.

(f) At its discretion, each city or county may select a second alternate, in the same manner as the first alternate, to serve on the board in the event that neither the primary representative nor the first alternate is able to attend a meeting of the board. This alternate shall be subject to the same restrictions and have the same powers, when serving on the board, as the primary representative.

(g) The board may allow for the appointment of advisory representatives to sit with the board but in no event shall those representatives be allowed a vote. The current advisory representatives to the San Diego Association of Governments may continue their advisory representation on the consolidated agency at the discretion of their governing body. The governing bodies of the County of Imperial and the cities in that county may collectively designate an advisory representative to sit with the board.

SEC. 12. Section 132351.2 of the Public Utilities Code is amended to read:

132351.2. (a) A majority of the member agencies constitute a quorum for the transaction of business. In order to act on any item, the affirmative vote of the majority of the members of the board present is required. However, after a vote of the members is taken, a weighted vote may be called by the members of any two jurisdictions.

(b) The governing body of the City of San Diego and the County of San Diego shall allocate their weighted votes equally between their primary and secondary members.

(c) For the weighted vote, there shall be a total of 100 votes, except additional votes shall be allowed pursuant to subdivision (h). Each member agency shall have that number of votes determined by the following apportionment formula, provided that each agency shall have at least one vote, no agency shall have more than 50 votes, and there shall be no fractional votes:

(1) If any agency has 50 percent or more of the total population of the San Diego County region, allocate 50 votes to that agency and follow paragraph (2), and if not, follow paragraph (3).

(2) Total the population of the remaining agencies determined in paragraph (1) and compute the percentage of this total that each agency has.

(A) Multiply each percentage derived above by 50 to determine fractional shares.

(B) Boost fractions that are less than one to one and add the whole numbers.

(C) If the answer to subparagraph (B) is 50, drop all fractions and the whole numbers are the votes for each agency.

(D) If the answer to subparagraph (B) is less than 50, the remaining vote is allocated one each to the agency having the highest fraction excepting those whose vote was increased to one pursuant to subparagraph (B).

(E) If the answer to subparagraph (B) is more than 50, the excess vote is taken one each from the agency with the lowest fraction. In no case shall a vote be reduced to less than one.

(3) Total the population determined in paragraph (1) and compute the percentage of this total that each agency has.

(A) Boost fractions that are less than one to one and add the whole numbers.

(B) If the answer to subparagraph (A) is 100, drop all fractions and the whole numbers are the votes for each agency.

(C) If the answer to subparagraph (A) is less than 100, the remaining vote is allocated one each to the agency having the highest fraction excepting those whose vote was increased to one pursuant to subparagraph (A).

(D) If the answer to subparagraph (A) is more than 100, the excess vote is taken one each from the agency with the lowest fraction. In no case shall a vote be reduced to less than one.

(d) When a weighted vote is taken on any item that requires more than a majority vote of the board, it shall also require the supermajority percentage of the weighted vote.

(e) Approval under the weighted vote procedure requires the vote of not less than four members representing separate jurisdictions and not less than 51 percent of the total weighted vote to supersede the original action of the board.

(f) For purposes of subdivision (c), the population of the County of San Diego is the population in the unincorporated area of the county.

(g) The weighted vote formula under subdivision (c) shall be recomputed every July 1.

(h) Any newly incorporated city shall receive one vote under the weighted vote procedure until the next recomputation of the weighted vote formula under subdivision (c), at which time the new agency shall receive votes in accordance with the recomputed formula. Until this recomputation, the total weighted vote may exceed 100.

SEC. 13. Section 132351.4 of the Public Utilities Code is amended to read:

132351.4. (a) The consolidated agency shall have five standing policy advisory committees named the executive, transportation, regional planning, borders, and audit committees. The responsibilities of the committees shall be established by the board. Committee membership may be expanded by the consolidated agency, and shall be selected in accordance with a process established by the consolidated agency. The membership shall be as follows:

(1) The executive committee shall consist of six voting members with board members representing east county, north county coastal, north county inland, south county, and the representative, or the representative's alternate in their absence, from the City of San Diego and the county. The chairperson and the vice chairperson of the consolidated agency shall each be one of the six voting members.

(2) (A) The transportation committee shall consist of 10 voting members with board members or alternates representing east county, north county coastal, north county inland, south county and the mayor or a council member from the City of San Diego, a supervisor from the County of San Diego, a member of the board of the MTDB appointed by the board of the MTDB, a member of the board of the NCTD appointed by the board of the NCTD, a member of the governing board of the San Diego Unified Port District appointed by the board of the port, and a member of the San Diego County Regional Airport Authority appointed by the airport authority.

(B) Among its transportation responsibilities, the transportation committee shall provide a strong focus and commitment to meeting the public transit needs of the San Diego region, set transit funding criteria and recommend transit funding levels, and undertake transit responsibilities resulting from consolidation, as delegated by the board.

(C) The board shall provide a report, developed by the transportation committee, to the Legislature on or before July 1 of each year that outlines the public transit needs, transit funding criteria, recommended transit funding levels, and additional work on public transit, as delegated to the transportation committee by the board. The report shall specify the funds spent explicitly on public transportation. The report shall be submitted consistent with Section 9795 of the Government Code.

(3) The regional planning committee shall consist of six voting members with board members or alternates representing east county, north county coastal, north county inland, south county, and the mayor or a council member from the City of San Diego, and a supervisor from the County of San Diego.

(4) The borders committee shall consist of seven voting members with board members or alternates representing east county, north county coastal, north county inland, south county, the mayor or a council member from the City of San Diego, a supervisor from the County of San Diego, and a mayor, council member, or supervisor from the County of Imperial.

(5) The audit committee shall consist of five voting members with two board members and three members of the public to be appointed by the board. The audit committee shall recommend to the board the contract of the firm conducting the annual financial statement audits and the hiring of the independent performance auditor and approve the annual audit plan after discussion with the independent performance auditor pursuant to subdivision (b) of Section 132354.1.

(b) The board may appoint other standing and ad hoc working groups to advise it in carrying out its responsibilities.

(c) No board member may serve as a member of more than two standing policy advisory committees at any one time, except those board members serving on the audit committee.

SEC. 14. Section 132352.3 of the Public Utilities Code is amended to read:

132352.3. The officers of the board are the chairperson and the vice chairperson. The chairperson and vice chairperson shall be elected by the membership of the board every two years or when a vacancy exists, by means of the weighted vote pursuant to Section 132351.2. The chairperson and vice chairperson shall not represent the same subregion, with the subregions being east county, north county coastal, north county inland, south county, the City of San Diego, and the County of San Diego. The board may create additional officers and elect members to those positions. However, no member may hold more than one office. The term of office for any officers of the board other than the chairperson and the vice chairperson shall be established by the board.

SEC. 15. Section 132354.1 of the Public Utilities Code is amended to read:

132354.1. (a) The board shall arrange for a post audit of the financial transactions and records of the consolidated agency to be made at least annually by a certified public accountant.

(b) (1) The audit committee shall appoint an independent performance auditor, subject to approval by the board, who may only be removed for cause by a vote of at least two-thirds of the audit committee and the board.

(2) The independent performance auditor shall have authority to conduct or to cause to be conducted performance audits of all departments, offices, boards, activities, agencies, and programs of the consolidated agency. The auditor shall prepare annually an audit plan and conduct audits in accordance therewith and perform those other duties as may be required by ordinance or as provided by the California Constitution and general laws of the state. The auditor shall follow government auditing standards. All officers and employees of the consolidated agency shall furnish to the auditor unrestricted access to employees, information, and records, including electronic data, within their custody regarding powers, duties, activities, organization, property, financial transactions, contracts, and methods of business required to conduct an audit or otherwise perform audit duties. It is also the duty of any consolidated agency officer, employee, or agent to fully cooperate with the auditor, and to make full disclosure of all pertinent information.

(3) The auditor shall have the power to appoint, employ, and remove assistants, employees, and personnel as deemed necessary for the efficient and effective administration of the affairs of the office and to prescribe their duties, scope of authority, and qualifications.

(4) The auditor may investigate any material claim of financial fraud, waste, or impropriety within the consolidated agency and for that purpose may summon any officer, agent, or employee of the consolidated

agency, any claimant, or other person, and examine him or her upon oath or affirmation relative thereto. All consolidated agency contracts with consultants, vendors, or agencies will be prepared with an adequate audit provision to allow the auditor access to the entity's records needed to verify compliance with the terms specified in the contract. Results of all audits and reports shall be made available to the public in accordance with the requirements of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of the Title 1 of the Government Code).

(c) The board shall develop and adopt internal control guidelines to prevent and detect financial errors and fraud based on the internal control guidelines developed by the Controller pursuant to Section 12422.5 of the Government Code and the standards adopted by the American Institute of Certified Public Accountants.

(d) The board shall develop and adopt an administration policy that includes a process to conduct staff performance evaluations on a regular basis to determine if the knowledge, skills, and abilities of staff members are sufficient to perform their respective functions, and shall monitor the evaluation process on a regular basis.

(e) The board members shall make an annual report to their member agencies at a public meeting pursuant to Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code, that includes a summary of activities by the consolidated agency including, but not limited to, program developments, project updates, changes to voter-approved expenditure plans, and potential ballot measures.

SEC. 16. Section 132354.7 is added to the Public Utilities Code, to read:

132354.7. The consolidated agency shall not enter into a construction contract over one million dollars (\$1,000,000) with any entity unless the entity provides to the consolidated agency an enforceable commitment that the entity and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or a contract that falls within an apprenticeship occupation in the building and construction trades in accordance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

(a) This subdivision shall not apply if any of the following requirements are met:

(1) The consolidated agency has entered into a project labor agreement that will bind all contractors and subcontractors performing work on the project or the consolidated agency has contracted to use a skilled and trained workforce and the entity has agreed to be bound by that project labor agreement.

(2) The project or contract is being performed under the extension or renewal of a project labor agreement that was entered into by the consolidated agency before January 1, 2017.

(3) The entity has entered into a project labor agreement that will bind the entity and all its subcontractors at every tier performing the project or the entity has contracted to use a skilled and trained workforce.

(b) For purposes of subdivision (a), "project labor agreement" has the same meaning as defined in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

SEC. 17. Section 132360.1 of the Public Utilities Code is amended to read:

132360.1. In preparing and updating the regional comprehensive plan, it is the intent of the Legislature that:

(a) The regional comprehensive plan preserve and improve the quality of life in the San Diego region, maximize mobility and transportation choices, and conserve and protect natural resources.

(b) The regional comprehensive plan shall address the greenhouse gas emissions reduction targets set by the State Air Resources Board as required by Section 65080 of the Government Code and include strategies that provide for mode shift to public transportation.

(c) The regional comprehensive plan shall identify disadvantaged communities as designated pursuant to Section 39711 of the Health and Safety Code and include transportation strategies to reduce pollution exposure in these communities.

(d) In formulating and maintaining the regional comprehensive plan, the consolidated agency shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the county and cities within the region, and the plans and planning activities of organizations that affect or are concerned with planning and development within the region.

(e) The consolidated agency shall engage in a public collaborative planning process. The recommendations resulting from the public collaborative planning process shall be made available to and considered by the consolidated agency for integration into the draft regional comprehensive plan. The consolidated agency shall adopt a procedure to carry out this process including a method of addressing and responding to recommendations from the public.

(f) In formulating and maintaining the regional comprehensive plan, the consolidated agency shall seek the cooperation and consider the recommendations of all of the following:

(1) Its member agencies and other agencies of local government within the jurisdiction of the consolidated agency.

(2) State and federal agencies.

(3) Educational institutions.

(4) Research organizations, whether public or private.

(5) Civic groups.

(6) Private individuals.

(7) Governmental jurisdictions located outside the region but contiguous to its boundaries.

(g) The consolidated agency shall make the regional comprehensive plan, policies, and objectives available to all local agencies and facilitate consideration of the regional comprehensive plan in the development, implementation, and update of local general plans. The consolidated agency shall provide assistance and enhance the opportunities for local agencies to develop, implement, and update general plans in a manner that recognizes, at a minimum, land use, transportation compatibility, and a jobs-to-housing balance within the regional comprehensive plan.

(h) The consolidated agency shall maintain the data, maps, and other information developed in the course of formulating the regional comprehensive plan in a form suitable to assure a consistent view of developmental trends and other relevant information for the availability of and use by other government agencies and private organizations.

(i) The components of the regional comprehensive plan may include, but are not limited to, transportation, housing, water quality and supply, infrastructure, air quality, energy, solid waste, economy, and open space, including habitat. Performance standards and measurable criteria shall be established through a public process to ensure that the regional comprehensive plan is prepared consistent with these measures as well as in determining achievement of the regional comprehensive plan goals throughout its implementation.

(j) Any water supply component or provision of the regional infrastructure strategy regarding water supply contained in the regional comprehensive plan shall be consistent with the urban water management plan and other adopted regional water facilities and supply plans of the San Diego County Water Authority.

SEC. 18. Section 132362 of the Public Utilities Code is amended to read:

132362. (a) In addition to the authority set forth in Article 5 (commencing with Section 132300) and Article 6 (commencing with Section 132320) of Chapter 2 of Division 12.7, if the consolidated agency provides compensation to San Diego County for the cost of including an ordinance or measure on the ballot, the consolidated agency may call an election, including an advisory election, in San Diego County on any ordinance or measure regarding the governance of or matters related to the powers, privileges, or duties of the consolidated agency, including, but not limited to, merger or complete consolidation of the transit boards.

(b) The ordinance or measure shall be consistent with, and shall not be in conflict with, any other provision of this chapter.

SEC. 19. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.



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Adoption of FY 2020 Program Budget, and Providing for All Authorizations Necessary and Pertinent Thereto

WHEREAS, the San Diego Association of Governments (SANDAG) Bylaws stipulate that the Board of Directors shall adopt a Final Budget no later than June 30 of each year; and

WHEREAS, the Board of Directors of SANDAG serves as the San Diego County Regional Transportation Commission (RTC) and California Public Utilities Section 132104(a), which is part of the enabling legislation creating the RTC, requires the adoption of an annual budget; and

WHEREAS, the adopted FY 2020 Program Budget, including the Overall Work Program (OWP), anticipates reliance on federal, State of California, and other funds, which require certification of nonfederal matching funds; and

WHEREAS, such required match is identified as being available from Transportation Development Act funds, member agency assessments, local assistance, and other local funds and in-kind services; and

WHEREAS, pursuant to SANDAG Board Policy No. 017: Delegation of Authority, adoption of the annual budget by the Board shall automatically authorize the Executive Director to enter into any agreements or take any other actions necessary to implement budget items or other actions approved by the Board; and

WHEREAS, it is necessary to authorize the SANDAG Executive Director to reimburse SANDAG for necessary administrative expenditures made on behalf of the RTC, including Board of Directors expenses, SANDAG staff services, and contractual services necessary to carry out the legal, administrative, auditing, and investment management responsibilities of the RTC;

NOW THEREFORE BE IT RESOLVED by the Board of Directors of SANDAG, also acting as the RTC, that:

a. The FY 2020 Program Budget, hereby incorporated by reference, is adopted in an amount projected to be \$1.36 billion, including the OWP in the amount of \$56.5 million, the annual portion of the Capital Program in the amount of \$925.7 million, and the annual portion of Regional Operations and Programs in the amount of \$54.9 million. The SANDAG Director of Finance hereby is authorized to finalize the FY 2020 appropriations based on actual grant agreements/funding contracts executed, transfer of funds from consolidated transit agencies, actual sales tax revenues, sales tax-backed commercial paper proceeds, interest earnings received pursuant to this budgetary authority, and actual end-of-year carryover funds status as determined by the Director of Finance; and

b. Each member agency hereby is assessed its share of the amount shown in the adopted FY 2020 Program Budget for the base SANDAG membership, the Criminal Justice Clearinghouse assessment, and for the Automated Regional Justice Information System assessment; and

c. The SANDAG Director of Administration is authorized to make, if applicable, such personnel changes, Position Classification and Salary Range Table adjustments, and other employee compensation package adjustments for which funding is provided in the adopted FY 2020 Program Budget and as may be amended by the Board of Directors; and

d. The SANDAG Executive Director, or his/her designee, is hereby authorized to submit grant applications and revenue claims, and execute grant and revenue agreements in the amounts identified in this adopted FY 2020 Program Budget and as may be amended subject to the final agreement of the funding agencies; and

e. The SANDAG Executive Director, or his/her designee, is hereby authorized to execute grant agreements and all necessary documents and covenants required by granting agency laws, rules, and administrative regulations, and the Board of Directors hereby certifies the required nonfederal match to the above listed agencies and in the amounts necessary subject to SANDAG Director of Finance certification of funds availability; and

f. The SANDAG Executive Director is hereby authorized to accept funds from member agencies and other entities for the performance of Service Bureau projects and is further authorized to enter into agreements for goods and services in any amount requested by the entities as may be necessary to carry out the project; and

BE IT FURTHER RESOLVED that a copy of this resolution and adopted FY 2020 Program Budget be filed with the Clerk of each member agency.

PASSED AND ADOPTED this 28th day of June 2019.

Ayes Carlsbad, Chula Vista, City of San Diego, Coronado, County of San Diego, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Marcos, Santee, Solana Beach, and Vista.

Noes None

Absent None



**Chair of the Board of Directors
of the San Diego County Regional
Transportation Commission**

[Seal]

Attest



**Secretary of the Board of Directors of the
San Diego County Regional Transportation
Commission**

From: [Kirk, John](#)
To: [Ikhmeta, Hasan](#); [Douzdjian, Andre](#)
Cc: [Cote, Laura](#); [Traynor, Ray](#); [Linthicum, Jim](#); [Khoshmashrab, Mary](#)
Subject: RE: Delegation of authority regarding AB805 test claim
Date: Thursday, April 16, 2020 11:40:07 AM

Thank you Hasan!

John

John Kirk
General Counsel

SANDAG
Office: (619) 699-1997
Mobile: (858) 531-3695
401 B Street, Suite 800, San Diego, CA 92101



[Facebook](#) | [Twitter](#) | [YouTube](#)

SANDAG offices are open Tuesday-Friday and [every other Monday](#) from 8 a.m.-5 p.m.

CONFIDENTIAL – ATTORNEY-CLIENT PRIVILEGE AND WORK PRODUCT DOCTRINE

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From: Ikhmeta, Hasan <Hasan.Ikhmeta@sandag.org>
Sent: Thursday, April 16, 2020 11:21 AM
To: Douzdjian, Andre <Andre.Douzdjian@sandag.org>
Cc: Cote, Laura <Laura.Cote@sandag.org>; Traynor, Ray <Ray.Traynor@sandag.org>; Linthicum, Jim <jim.linthicum@sandag.org>; Khoshmashrab, Mary <Mary.Khoshmashrab@sandag.org>; Kirk, John <John.Kirk@sandag.org>
Subject: Delegation of authority regarding AB805 test claim

I delegate my authority to Andre Douzdjian in his role as SANDAG's Chief Financial Officer to execute and submit one or more Test Claims to the California Commission on State Mandates, including the execution of any and all certifications supporting such claims. Thank you

Hasan Ikhata
Executive Director

Sent from my iPhone

Project Number: 8000103 **FY20** 7/1/2019 - 3/12/2020

PPE Date	Employee/Title	# Hours	Salary	Fringe	Total \$\$\$
01/05/2020	CCO- PMIA	20	1,346.20	1,018.94	2,365.14
01/19/2020	CCO- PMIA	80	5,384.80	4,075.76	9,460.56
02/02/2020	CCO- PMIA	78	5,250.18	3,973.86	9,224.04
02/16/2020	CCO- PMIA	39	2,625.09	1,986.93	4,612.02
03/01/2020	CCO- PMIA	79	5,317.49	4,024.81	9,342.30
03/15/2020	CCO- PMIA	80	5384.8	4,075.76	9,460.56
03/29/2020	CCO- PMIA	80	5384.8	4075.756962	9,460.56
		456.00	30,693.36	23,231.81	53,925.17
07/07/2019	MKH - IPA	59	5,531.25	4,186.60	9,717.85
07/21/2019	MKH - IPA	55	5,156.25	3,902.77	9,059.02
08/04/2019	MKH - IPA	76	7,125.00	5,392.91	12,517.91
08/18/2019	MKH - IPA	70	6,562.50	4,967.16	11,529.66
09/01/2019	MKH - IPA	70	6,562.50	4,967.16	11,529.66
09/15/2019	MKH - IPA	60	5,625.00	4,257.56	9,882.56
09/29/2019	MKH - IPA	80	7,500.00	5,676.75	13,176.75
10/13/2019	MKH - IPA	80	7,500.00	5,676.75	13,176.75
10/27/2019	MKH - IPA	40	3,750.00	2,838.38	6,588.38
11/10/2019	MKH - IPA	60	5,625.00	4,257.56	9,882.56
11/24/2019	MKH - IPA	78	7,312.50	5,534.83	12,847.33
12/08/2019	MKH - IPA	60	5,625.00	4,257.56	9,882.56
12/22/2019	MKH - IPA	80	7,500.00	5,676.75	13,176.75
01/05/2020	MKH - IPA	42	3,937.50	2,980.29	6,917.79
01/19/2020	MKH - IPA	80	7,500.00	5,676.75	13,176.75
02/02/2020	MKH - IPA	70	6,562.50	4,967.16	11,529.66
02/16/2020	MKH - IPA	77	7,218.75	5,463.87	12,682.62
03/01/2020	MKH - IPA	70	6,562.50	4,967.16	11,529.66
03/15/2020	MKH - IPA	80	7500	5,676.75	13,176.75
03/29/2020	MKH - IPA	80	7500	5676.754286	13,176.75
		1,367.00	128,156.25	97,001.48	225,157.73
01/19/2020	RO - INTERN	37	666	272.66	938.66
02/02/2020	RO - INTERN	50	900	368.46	1,268.46
02/16/2020	RO - INTERN	49	882	361.09	1,243.09
03/01/2020	RO - INTERN	50	900	368.46	1,268.46
03/15/2020	RO - INTERN	48.5	873	357.41	1,230.41
03/29/2020	RO - INTERN	50	900	368.46	1,268.46
		284.50	5,121.00	2,096.54	7,217.54
01/05/2020	MR- INTERN	16	288	117.91	405.91
01/19/2020	MR- INTERN	50	900	368.46	1,268.46
02/02/2020	MR- INTERN	50	900	368.46	1,268.46
02/16/2020	MR- INTERN	49	882	361.09	1,243.09
03/01/2020	MR- INTERN	50	900	368.46	1,268.46
03/15/2020	MR- INTERN	48.5	873	357.41	1,230.41
03/29/2020	MR- INTERN	50	900	368.46	1,268.46
		313.50	5,643.00	2,310.25	7,953.25

294,253.68

Not claimed on TC Risk Assessment Survey staff participation 29,666.42

323,920.10

Posted Labor

FY19 7/1/2018 - 6/30/2019

PPE Date	Employee/Title	# Hours	Salary	Fringe	Total \$\$\$
start date 04/02/2019					
04/14/2019	MKH - IPA	70	6,562.50	4,985.53	11,548.03
04/28/2019	MKH - IPA	79	7,406.25	5,626.53	13,032.78
05/12/2019	MKH - IPA	79	7,406.25	5,626.53	13,032.78
05/26/2019	MKH - IPA	80	7,500.00	5,697.75	13,197.75
06/09/2019	MKH - IPA	69	6,468.75	4,914.31	11,383.06
06/23/2019	MKH - IPA	75	7,031.25	5,341.64	12,372.89
		452	42,375.00	32,192.29	74,567.29
5/12/2019	JK - ATTY				982.79
	Memberships				480.00
				matches GL below	76,030.08

MKH - IPA	Travel	971.56
MKH - IPA	Office Supplies	144.37
MKH - IPA	IOA Software	168.00
		325,204.03

FY19 GL

SANDAG Production Short [TRANSACTION LISTING] 07/01/2018 - 06/30/2019 Page 1
 THU, MAR 12, 2020, 3:38 PM --req: SCRAIG----leg: JL GL--loc: MTDB-----job:1071290 J119-----prog: GL440 <1.61>--report id: GLFLTR02

Sort ORDER: TASK/DET within PROJECT#

SELECT Project Number: 8000103

Lg Project Number	Primary Ref	Transaction Description	SS Ref Date	Job No	Debit	Credit	NET
JL 8000103-0102	PAYROLL 20190	CERIDIAN PAYROLL 04/14/2019	JE 04/14/19	01002195	11,548.03	0.00	11,548.03
JL 8000103-0102	PAYROLL 20190	CERIDIAN PAYROLL 04/28/2019	JE 04/28/19	01003863	13,032.77	0.00	24,580.80
JL 8000103-0102	PAYROLL 20190	CERIDIAN PAYROLL 05/12/2019	JE 05/12/19	01006594	14,015.59	0.00	38,596.39
JL 8000103-0102	PAYROLL 20190	CERIDIAN PAYROLL 05/26/2019	JE 05/26/19	01008320	13,197.75	0.00	51,794.14
JL 8000103-0102	PAYROLL 20190	CERIDIAN PAYROLL 06/09/2019	JE 06/09/19	01013980	11,383.05	0.00	63,177.19
JL 8000103-0102	PAYROLL 20190	CERIDIAN PAYROLL 06/23/2019	JE 06/23/19	01014375	12,372.89	0.00	75,550.08
*****Total *TSKD 0102 Administration-Labor DR					75,550.08	0.00	75,550.08
JL 8000103-0114	MR060519	KHOSHMAHRAB, M Reimb ACFE/AIC OH 06/13/19	01010560		480.00	0.00	480.00
*****Total *TSKD 0114 Memberships & Publications DR					480.00	0.00	480.00
*****Total *PRJT 8000103 Independnt Performance Auditor DR-CR					76,030.08	0.00	76,030.08

FY20 GL

SANDAG Production Short [TRANSACTION LISTING] 07/01/2019 - 06/30/2020 Page 1
 THU, APR 16, 2020, 8:46 AM --req: SCRAIG----leg: JL GL--loc: MTDB-----job:1076927 J017-----prog: GL440 <1.61>--report id: GLFLTR02

Sort ORDER: TASK/DET within PROJECT#

SELECT Project Number: 8000103

Lg Project Number	Primary Ref	Transaction Description	SS Ref Date	Job No	Debit	Credit	NET
JL 8000103-0102	PAYROLL 20190	CERIDIAN PAYROLL 07/07/2019	JE 07/07/19	01031686	10,342.30	0.00	10,342.30
JL 8000103-0102	PAYROLL 20190	CERIDIAN PAYROLL 07/21/2019	JE 07/21/19	01031693	9,482.82	0.00	19,824.82
JL 8000103-0102	PAYROLL 20190	CERIDIAN PAYROLL 08/04/2019	JE 08/04/19	01031697	13,557.75	0.00	33,382.57
JL 8000103-0102	PAYROLL 20190	CERIDIAN PAYROLL 08/18/2019	JE 08/18/19	01031904	12,291.86	0.00	45,674.43
JL 8000103-0102	PAYROLL 20190	CERIDIAN PAYROLL 09/01/2019	JE 09/01/19	01031988	12,941.29	0.00	58,615.72
JL 8000103-0102	PAYROLL 20190	CERIDIAN PAYROLL 09/15/2019	JE 09/15/19	01037684	9,882.56	0.00	68,498.28
JL 8000103-0102	PAYROLLS20190	CERIDIAN PAYROLL 09/29/2019	JE 09/29/19	01039746	149.94	0.00	68,648.22
JL 8000103-0102	PAYROLL 20190	CERIDIAN PAYROLL 09/29/2019	JE 09/29/19	01039748	21,723.60	0.00	90,371.82
JL 8000103-0102	PAYROLL 20191	CERIDIAN PAYROLL 10/13/2019	JE 10/13/19	01045066	15,967.84	0.00	106,339.76
JL 8000103-0102	PAYROLL 20191	CERIDIAN PAYROLL 10/27/2019	JE 10/27/19	01049892	9,899.28	0.00	116,239.04
JL 8000103-0102	PAYROLL 20191	CERIDIAN PAYROLL 11/10/2019	JE 11/10/19	01050673	15,390.16	0.00	131,629.20
JL 8000103-0102	PAYROLL 20191	CERIDIAN PAYROLL 11/24/2019	JE 11/24/19	01052471	13,505.55	0.00	145,134.75
JL 8000103-0102	PAYROLL 20191	CERIDIAN PAYROLL 12/08/2019	JE 12/08/19	01054783	9,892.56	0.00	155,017.31
JL 8000103-0102	PAYROLL 20191	CERIDIAN PAYROLL 12/22/2019	JE 12/22/19	01057809	14,165.00	0.00	169,182.31
JL 8000103-0102	PAYROLL 20200	CERIDIAN PAYROLL 01/05/2020	JE 01/05/20	01059239	10,237.85	0.00	179,420.16
JL 8000103-0102	PAYROLL 20200	CERIDIAN PAYROLL 01/19/2020	JE 01/19/20	01061197	25,496.19	0.00	204,916.35
JL 8000103-0102	PAYROLL 20200	CERIDIAN PAYROLL 02/02/2020	JE 02/02/20	01064969	24,308.00	0.00	229,224.35
JL 8000103-0102	PAYROLL 20200	CERIDIAN PAYROLL 02/16/2020	JE 02/16/20	01068096	20,231.35	0.00	249,455.70
JL 8000103-0102	PAYROLL 20200	CERIDIAN PAYROLL 03/01/2020	JE 03/01/20	01071104	24,035.44	0.00	273,491.14
JL 8000103-0102	PAYROLL 20200	CERIDIAN PAYROLL 03/15/2020	JE 03/15/20	01072853	25,098.10	0.00	298,589.24
JL 8000103-0102	PAYROLL 20200	CERIDIAN PAYROLL 03/29/2020	JE 03/29/20	01075509	25,330.86	0.00	323,920.10
*****Total *TSKD 0102 Administration-Labor DR					323,920.10	0.00	323,920.10
JL 8000103-0107	JE24291	xfer MKH112119 fr 8000102	JE 12/31/19	01063282	224.35	0.00	224.35
JL 8000103-0107	JE24292	xfer MKH112119 fr 8000102	JE 12/31/19	01063282	747.21	0.00	971.56
*****Total *TSKD 0107 Administration-Travel DR					971.56	0.00	971.56
JL 8000103-0109	664574	CALIFORNIA STAM 5 Custom Stamp OH 01/31/20	01065599		144.37	0.00	144.37
*****Total *TSKD 0109 Administration-Suppl/Incentive DR					144.37	0.00	144.37
JL 8000103-0114	USB092319J3	US BANK Sub MKH IOA Software OH 09/30/19	01045854		168.00	0.00	168.00
*****Total *TSKD 0114 Memberships & Publications DR					168.00	0.00	168.00
JL 8000103-0800	MKH091619	KHOSHMAHRAB, M Moving Expense OH 09/27/19	01035963		1,157.74	0.00	1,157.74
JL 8000103-0800	JE24316	xfer MKH091619 to 8000102	JE 09/30/19	01065096	0.00	1,157.74	0.00
*****Total *TSKD 0800 Professional Services DR					1,157.74	1,157.74	0.00
*****Total *PRJT 8000103 Independnt Performance Auditor DR-CR					326,361.77	1,157.74	325,204.03

Not claimed on TC not an increased cost (29,662.42)

Vouched to TC page 11 Sec E. Actual Cost FY19/20 (for per 295,537.61

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 April 29, 2020, I served the:

- **Notice of Complete Test Claim, Schedule for Comments, and Notice of Tentative Hearing Date issued April 29, 2020**
- **Test Claim filed by the San Diego Association of Government (SANDAG) on March 19, 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 April 29, 2020 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/29/20

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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