

AB 805 (GONZALEZ-FLETCHER): COUNTY OF SAN DIEGO: TRANSPORTATION AGENCIES

POSITION: The Infrastructure, Housing & Land Use Committee voted to SUPPORT the authorization for MTS and NCTD to propose tax increases within their jurisdictions, but to OPPOSE the governance restructuring of SANDAG. The Public Policy Committee voted to OPPOSE the bill on June 13, 2017.

STATUS: AB 805 was introduced on February 15, 2017 by Assemblymember Lorena Gonzalez-Fletcher. It passed off of the Assembly floor on May 31, 2017, and has been read for the first time in the Senate Committee on Rules on June 1, 2017.

AT-A-GLANCE

AB 805 changes the governance structure of local transportation authorities, including the San Diego Association of Governments, the San Diego Metropolitan Transit System, and the North County Transit District.

SUMMARY

AB 805 changes the governance structure of local transportation authorities, including the San Diego Association of Governments, the San Diego Metropolitan Transit System, and the North County Transit District. Specifically, the bill will:

- Change the votes required to take action by SANDAG from a simple majority to a majority of the weighted vote of present board members.
 - Requires the mayors of the first and second-largest cities to alternate between serving as chair and vice chair for four-year terms
 - Requires the two directors from the City of San Diego to be the Mayor and the President of the City Council and requires the Chair of the San Diego Board of Supervisors to be one of the SANDAG Board members
 - Requires the weighted vote allocated to the two representatives from the Board of Supervisors and the City of San Diego to be equal, instead of authorizing each agency to apportion the weighted vote among their two members
- Removes a provision in existing law requiring both a majority vote of members present (with one vote per agency) and a majority of the weighted vote of the member agencies present in order to act on any item. Instead, authorizes the members of any two jurisdictions to call a *weighted* vote after a vote of the SANDAG Board members on the basis of one vote per agency.
- Requires the appointment of an independent performance auditor
- Changes the governance structure of Metropolitan Transit System (MTS) and North County Transit District (NCTD)
- Authorizes MTS and MCTD to individually impose a transactions and use tax within their respective portions of the County of San Diego, with revenues directed toward public transit purposes, and to issue bonds backed by these tax revenues.

ANALYSIS

AB 805 represents a reconfiguration of the governance process for local transportation authorities. The author has said that the legislation was at least in part motivated by incorrect revenue projections for November 2016's Measure A initiative. As a result, AB 805 was introduced to "overhaul the decision-making process at SANDAG, as well as the two transit districts that serve portions of San Diego..." The overhaul imagined by the author changes the existing 21-member board of SANDAG's weighted allocation. Currently, votes are allocated among the 21-member board via a formula that apportions the total weighted vote of 100 based on the total

population in the County. The current formula scenario further provides a specific formula if any agency on the board has 40% or more of the total population. Under existing law, a majority vote on the basis of one vote per agency and a majority vote of the weighted vote are required.

AB 805 would change the aforementioned structure by only requiring a majority of the weighted vote of the board members present, thereby disincentivizing smaller agencies and jurisdictions from participating. Opponents, including such small cities have argued that concentrating the power of SANDAG and NCTD boards to the largest cities does not necessarily reflect good governance, but instead dismantles the equitable and operational existing structure. Further, Poway notes that even the smallest cities, such as themselves, contribute a disproportionately high level of TransNet sales tax dollars, and this proposal removes their ability to vote on the outcome of those dollars.

In regards to the components of the bill directed at taxing ability from MTS and NCTD, both authorizations will be subject to the two-thirds vote requirement per the California Constitution. Supporters of this idea believe that the ability to propose tax increases, as approved by the voters in the relevant jurisdiction, may alleviate some of the disagreements that currently exist when trying to raise revenues on a county-wide basis. These targeted revenues would be more specific, and presumably better able to address local needs as determined by the board. This authorization allows MTS and NCTD to propose tax increases for public transit not to surpass 0.5%.

SUPPORT

American Federation of Teachers Guild, Local 1931
Association of Local Government Auditors
Bike San Diego
California Bicycle Coalition
Environmental Center of San Diego
San Diego 350
San Diego County Building and Construction Trades Council
San Diego Metropolitan Transit System

OPPOSITION

City of El Cajon
City of National City
City of Solana Beach
City of Poway
City of San Marcos
City of Vista
San Diego Association of Governments
San Diego County Board of Supervisors
California Taxpayers Association
Howard Jarvis Taxpayers Association