

Date of Hearing: April 23, 2025

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

AB 24 (DeMaio) – As Amended April 8, 2025

SUBJECT: San Diego Association of Governments: board of directors.

SUMMARY: Revises and recasts the board of directors of the San Diego Association of Governments (SANDAG) to include one member of the Board of Supervisors of San Diego County from an unincorporated area and one representative from the Association of Planning Groups – San Diego County (APG). Specifically, **this bill:**

- 1) Specifies that this bill shall be known, and may be cited as, the Give San Diego Rural Communities a Voice Act.
- 2) Removes the authority of San Diego County to appoint a primary and secondary representative to the SANDAG board of directors, as specified, and instead requires that the SANDAG board of directors include the following:
 - a) One member of the Board of Supervisors of San Diego County from an unincorporated area.
 - b) One representative from the APG.
- 3) Makes additional conforming and technical changes.
- 4) Specifies that if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made.

EXISTING LAW:

- 1) Specifies that a board of directors consisting of 21 members shall govern SANDAG [Public Utilities Code (PUC) § 132351.1].
- 2) Requires the SANDAG Board to be composed of the following (PUC § 132351.1):
 - a) One primary representative selected by the governing body of each city in San Diego County and a member of the San Diego County Board of Supervisors.
 - b) The City and San Diego County shall each have a primary and secondary representative, which for the City of San Diego shall be the mayor of the City and the president of the City Council.
 - c) Each director shall be a mayor, councilperson, or supervisors, if applicable, of the governing body that selected them, and shall serve until recalled by the governing body of the city or county.
- 3) Specifies that vacancies shall be filled in the same manner as originally selected (PUC § 132351.1).

- 4) Requires each city or county to also select one alternate to serve on the board when the primary or secondary representative, if applicable, is not available (PUC § 132351.1).
- 5) Specifies that the alternate shall be subject to the same restrictions and have the same powers, when serving on the board, as the representative for whom they are substituting. The alternate shall be a mayor, councilperson, or supervisor, as applicable, of their governing body (PUC § 132351.1).
- 6) Provides that, 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 supervisors who represents a district that is substantially an unincorporated area shall be appointed to the SANDAG board as the secondary representative (PUC § 132351.1).
- 7) Specifies that, 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 (PUC § 132351.1).
- 8) Provides that, 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 (PUC § 132351.1).
- 9) Authorizes the SANDAG board to allow for the appointment of advisory representatives to sit with the board but in no event shall those representatives be allowed a vote. 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 (PUC § 132351.1).
- 10) Provides that 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 (PUC § 132351.2).
- 11) Requires the governing body of the City of San Diego and the County of San Diego to allocate their weighted votes equally between their primary and secondary members and specifies the apportionment formula for determining the votes based on population (PUC § 132351.2).
- 12) Specifies that 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 (PUC § 132351.2).

FISCAL EFFECT: This bill is keyed fiscal and contains a state mandated local program.

COMMENTS:

- 1) **Bill Summary and Author's Statement.** This bill removes the authority of San Diego County to appoint a primary and secondary representative to the SANDAG board of directors, as specified. This bill instead requires the board of directors of SANDAG to

include one member of the Board of Supervisors of San Diego County from an unincorporated area and one representative from the APG. This bill is sponsored by the author.

According to the author, “The San Diego Association of Governments is intended to balance the needs of every part of San Diego County with regard to infrastructure projects, but currently rural communities are disregarded. AB 24 will change the composition of the SANDAG board to give rural communities a voice when it comes to investments in infrastructure in the county.”

- 2) **SANDAG.** SB 1703 (Peace), Chapter 743, Statutes of 2002, created a consolidated transportation agency in San Diego from existing agencies, including SANDAG, MTS, and NCTD, and authorized that agency to assume certain responsibilities. SANDAG is now the consolidated agency responsible for many public transit and long-term transportation planning and programming responsibilities that formerly resided with MTS and NCTD boards. SB 1703 established the general authority and powers of the revamped SANDAG in an attempt to create an agency with the power to develop a comprehensive regional public transportation system. In addition to the planning functions, SB 1703 transferred project development and construction activities to SANDAG, except on certain existing projects, and sought to refocus MTS and NCTD primarily as agencies operating public transit services.

SANDAG is the regional transportation planning agency for San Diego County and under federal law is the metropolitan planning organization (MPO) for the region. SANDAG also manages a local, voter approved half-percent transportation sales tax, called TransNet, to fund local transportation projects consistent with the Regional Plan. The first 20-year TransNet measure was approved by voters in 1987. It went into effect in 1988 and was extended by voters in 2004 for an additional 40 years.

- 3) **SANDAG Board** AB 805 (Gonzalez Fletcher), Chapter 658, Statutes of 2017, made a number of changes to statutes governing SANDAG, including its governance structure and process by which actions are voted upon. Currently, the 21-member board is comprised of:
 - a) Two members of the San Diego County Board of Supervisors, including a primary and secondary representative. One representative must be from a district that is substantially an incorporated area and one from a district that is substantially an unincorporated area.
 - b) Two members of the City of San Diego, including a primary and secondary representative.
 - c) 1 member from the city council of each of the remaining 17 incorporated cities in the county, for a total of 17 members.

In order for the SANDAG board to act on any item, a majority *tally* vote of the members present is required; however, after a vote of the members is taken, a *weighted* vote can be called by the members of any two jurisdictions. The weighted vote is determined by an apportionment formula based on population. AB 805 required that both the city and county must allocate their weighted votes equally between their primary and secondary members. Approval under a weighted vote requires the vote of at least four members representing separate jurisdiction and not less than 51% of the total weighted vote to supersede the original action of the SANDAG board. SANDAG is also allowed to appoint advisory

representative to sit on the board but in no event can those representatives be allowed to vote.

- 4) **Association of Planning Groups.** The San Diego County Board of Supervisor's Board Policy Manual allows for the establishment and operation of planning and sponsor groups. The policy also establishes the groups' primary responsibilities of updating San Diego County's General Plan and reviewing discretionary regulatory projects. The policies and procedures are intended to encourage citizen participation and to provide a uniform process in the preparation, revision, and implementation of community and subregional plans for unincorporated areas of the county and for the creation of planning and sponsor groups. These groups work closely with the local citizenry and staff to help guide the course of growth in their respective planning areas. According to San Diego County, the community planning and sponsor groups are broken up to three areas: the North County, East County, and Backcountry. In total, there are 28 community planning and sponsor groups in the unincorporated areas of San Diego County.

According to a January 25, 2024 *Village News* article, "The Association of Planning Groups – San Diego County currently consists of the Alpine, Boulevard, Campo/Lake Morena, Crest/Dehesa/Granite Hills/Harbison Canyon, Descanso, Fallbrook, Jamul/Dulzura, Julian, Lakeside, Pine Valley, Rainbow, Ramona, San Dieguito, Spring Valley, Sweetwater, Valle De Oro, and Valley Center planning groups. The Potrero Community Planning Group has not yet held a meeting to approve membership but will place that on the agenda of the group's next meeting."

As stated in a December 8, 2023 SANDAG board agenda item, "On November 6, 2023, the Association of Planning Groups – San Diego County submitted a request to serve as an advisory member of the SANDAG Board of Directors... On May 23, 2023, the San Diego County Board of Supervisors adopted a resolution supporting the addition of an advisory member to SANDAG, dedicated to representing the unincorporated residents of the County of San Diego..." SANDAG approved the addition of APG at its December 8, 2023 meeting.

- 5) **Policy Considerations.** The Committee may wish to consider the following:
- a) **Voice for the Unincorporated.** The stated intent of this bill is to give rural communities a voice on the SANDAG Board. However, it is not clear how the existing voting structure of SANDAG is inequitable in favor of incorporated areas. Existing law already dictates that the City of San Diego has the same voting power as any smaller city or the County in a tally vote. Additionally, it only takes two jurisdictions to trigger a weighted vote. The weighted vote is required to be apportioned based upon the population of the different jurisdictions. During a weighted vote, the SANDAG board member appointed by San Diego County to represent an area that is substantially unincorporated has the same voting power as the representative of an area that is substantially incorporated, even though the population of the unincorporated areas of San Diego County is smaller than those areas that are incorporated. The Committee may wish to consider if the existing SANDAG board membership, and the accompanying voting requirements, already provide for equitable representation.
 - b) **Is additional clarity needed?** The process outlined in statute that governs the weighted vote process for SANDAG is not proposed to be amended in this bill. Absent additional

conforming changes to SANDAG's weighted voting procedures, it is not clear how the changes to the SANDAG board affect a for weighted vote.

Additionally, the appointment process for who represents the APG is not clear. Is this SANDAG board member appointed by the APG or another entity? Is the appointment made by majority approval of APG's members or by some other method? Does the representative from APG have to reside within an unincorporated area?

In order to ensure the intent of the bill is met, the Committee may wish to consider if additional clarity is needed.

- 6) **Related Legislation.** SB 240 (Jones) would replace the secondary representative from the San Diego County Board of Supervisors on the SANDAG board of directors with a resident of an unincorporated area of the County of San Diego that is selected by, and subject to recall by, a majority of the community planning groups in the County of San Diego. This bill is currently in the Senate Local Government Committee.
- 7) **Previous Legislation.** AB 805 (Gonzalez Fletcher), Chapter 658, Statutes of 2017, made changes to the governance structure for SANDAG, MTS, and NCTD, and authorized MTS and NCTD to impose a transactions and use tax.
- 8) **Arguments in Support.** None on file.
- 9) **Arguments in Opposition.** None on file.
- 10) **Double-Referral.** This bill is double-referred to the Assembly Committee on Transportation.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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