



Town of Moraga

TOWN MANAGER

August 22, 2018

Honorable Anita Santos, Judge of the Superior Court
Mario Gutierrez, Foreperson,
2017-2018 Contra Costa County Civil Grand Jury
Contra Costa County Civil Grand Jury
725 Court Street
P.O. Box 431
Martinez, CA 94553

Also via email to ctadmin@contracosta.courts.ca.gov

RE: Town of Moraga's Response to Report No. 1808 "Joint Powers Authorities"

Dear Judge Santos and Foreperson Gutierrez:

In June 2018, the Contra Costa County Civil Grand Jury issued Report No. 1808 entitled "Joint Powers Authorities." First, we would like to clarify some information set forth in the Report in regard to Moraga. The report states that Moraga is a member of seven (7) JPAs. Moraga is a member of ten (10) Joint Powers Authorities:

1. Association of Bay Area Governments
2. ABAG Power
3. Central Contra Costa Solid Waste Authority (RecycleSmart)
4. Contra Costa Transportation Authority
5. East Bay Regional Communications System Authority
6. Lamorinda Fee and Financing Authority
7. Lamorinda School Bus Transportation Agency
8. Marin Energy Authority (Marin Clean Energy)
9. Municipal Pooling Authority
10. Western Riverside Council of Governments

The Town also provides services through five (5) Joint Exercise of Power Agreements with other governmental entities, which are not separate legal bodies:

1. Contra Costa County Abandoned Vehicle Abatement Service Authority
2. Contra Costa County Building Inspections
3. Contra Costa County Fine & Forfeiture District
4. Contra Costa County General Services
5. Contra Costa County Technical & Engineering Inspection

It appears that the Grand Jury report does not differentiate between these two types of agreements; the first creates a separate legal entity, and the second is merely a cooperative agreement between existing entities.

Below find the Town of Moraga's responses to the report's findings and recommendations.

FINDINGS

F 1. In the Direct JPA model, each member delegates to the JPA a function that each member has the legal authority to provide. This shared approach results in cost savings and better efficiency on behalf of taxpayers.

Response: Agree.

RECOMMENDATIONS

R 1. All cities with JPAs in the County should confirm their compliance with Gov. Codes Sections 6505 by submitting the required audit report to the County Auditor by December 31, 2018.

Response: The recommendation will not be implemented except as to wholly controlled JPA's. It is the responsibility of the JPA, not its member agencies (some but not all who may be cities), to submit any required audit reports with the County Auditor. Under State law, JPAs are distinctly separate government entities. The Town of Moraga is a member of ten JPAs, all of which are separate legal entities, some which cross not only multiple county jurisdictions but are also statewide in some instances, having their own full-time staff, and include in at least one instance hundreds of member agencies. It is infeasible and unreasonable for member agencies to fulfill the duties of other government agencies, including JPAs.

R 5. All cities with JPAs should consider making special efforts, such as special mailings to taxpayers, website postings and announcements in local media, to communicate JPA debt decisions and audit reports to the public beyond simple notifications by December 31, 2018.

Response: The recommendation will not be implemented as JPAs are distinctly separate governmental entities. It is the responsibility of the JPA and not its member agencies to communicate its debt decisions and audit reports to the public on its website. As the Civil Grand Jury's Finding No. 1 states, "each member delegates to the JPA a function that each member has the legal authority to provide." Having cities with JPAs communicate JPA debt decisions and audit reports on their websites, when the information should be available on the JPAs' websites, is counter to cost savings and efficiency on behalf of taxpayers.

We appreciate the Grand Jury's efforts on behalf of our communities and the residents of Contra Costa County. Please feel free to contact me for additional information regarding the Town's response at 925-888-7020.

Sincerely,



Cynthia Battenberg
Town Manager