

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 607

Introduced by Senator Ducheny

February 27, 2009

An act to add Division 12.8 (commencing with Section 132800) to the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 607, as amended, Ducheny. Imperial County Transportation Commission.

Existing law establishes various local entities to carry out transportation functions within their respective areas of jurisdiction.

This bill would create the Imperial County Transportation Commission and would provide that the commission is the successor agency to the Imperial Valley Association of Governments. The bill would establish the composition of the governing board of the commission and enact provisions relative to the administration of the commission. The bill would require the commission to prepare a short-range transportation plan that includes the development and approval of a 3- to 5-year transportation improvement program. The bill would also make the commission responsible for administering funds deposited in the local transportation fund and for preparing a short-range transit plan, as specified.

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 no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Division 12.8 (commencing with Section 132800)
is added to the Public Utilities Code, to read:

DIVISION 12.8. IMPERIAL COUNTY TRANSPORTATION
COMMISSION

CHAPTER 1. GENERAL PROVISIONS AND CREATION OF
COMMISSION

132800. There is hereby created the Imperial County
Transportation Commission. The commission shall be the successor
agency to the Imperial Valley Association of Governments and
shall assume all assets and liabilities of that entity. The area of
jurisdiction of the commission shall consist of all of the
incorporated and unincorporated area of Imperial County.

132801. (a) The governing board of the commission shall
consist of the following members:

(1) Two members of the Imperial County Board of Supervisors.
*The term of a member under this paragraph terminates when he
or she ceases to hold that office or when replaced by the board of
supervisors.*

(2) One member from each incorporated city within Imperial
County who shall be the mayor of the city or a member of its city
council. The term of a member under this ~~subdivision~~ *paragraph*
terminates when he or she ceases to hold that office or when
replaced by the city council.

~~(3) One nonvoting member representing member of the board
of directors of the Imperial Irrigation District. The term of a
member under this paragraph terminates when he or she ceases
to hold that office or when replaced by the board of directors of
the district.~~

~~(4) One nonvoting member appointed by the Governor
representing the Department of Transportation.~~

~~(5) One nonvoting member appointed by the federally
recognized Native American tribes in Imperial County.~~

(b) The governing board of the commission may also include the following nonvoting members:

(1) One member representing the State of Baja California, Mexico, who may be appointed by the governor of the state.

(2) One member representing the municipality of Mexicali, Mexico, who may be the mayor or his or her designee.

(3) *One member representing the Consul of Mexico in Calexico, California, who may be the consul or his or her designee.*

(4) *One member representing any federally recognized Native American tribe in Imperial County.*

CHAPTER 2. ADMINISTRATION

132810. The governing board of the commission at its first meeting, and thereafter annually at the first meeting in January, shall elect a chairperson from its members who shall preside at all meetings, and a vice chairperson who shall preside in his or her absence. In the event of their absence or inability to act, the members present, by an order entered in the minutes, shall select one of their members to act as chairperson pro tempore, who, while so acting shall have all of the authority of the chairperson.

132811. The board shall establish rules for its proceedings consistent with the law of the State of California.

132812. A majority of the voting members of the board shall constitute a quorum for the transaction of business and all official acts of the commission. All official acts of the board require the affirmative vote of the majority of the voting members of the board.

132813. The acts of the board shall be expressed by motion, resolution, or ordinance.

132814. (a) All meetings of the board shall be conducted in the manner prescribed by the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(b) All meetings of committees established by the board shall be held pursuant to Section 54952.3 of the Government Code, and no other provision of the Ralph M. Brown Act shall apply to meetings of those committees.

(c) Any committee of the board shall have a membership of at least three voting members.

132815. The board shall do the following:

1 (a) Adopt an annual budget and fix the compensation of its
2 officers and employees.

3 (b) Adopt an administrative code, by ordinance, which shall
4 prescribe the powers and duties of commission officers, the method
5 of appointment of commission employees, and methods,
6 procedures, and systems of operation and management of the
7 commission.

8 (c) Cause a postaudit of the financial transactions and records
9 of the commission to be made at least annually by a certified public
10 accountant.

11 (d) Appoint a technical advisory committee of representatives
12 from all of the transit operators in the county, all of the
13 incorporated cities in the county, the county, and the Department
14 of Transportation.

15 (e) Appoint such other advisory committees the board deems
16 necessary.

17 132816. Notice of time and place of the public hearing for the
18 adoption of the annual budget shall be published pursuant to
19 Section 6061 of the Government Code, and shall be published not
20 later than the 15th day prior to the date of the hearing. The
21 proposed annual budget shall be available for public inspection at
22 least 15 days prior to the hearing.

23 24 CHAPTER 3. POWERS AND FUNCTIONS 25

26 132820. The commission may do any of the following:

27 (a) Use up to—3 1 percent of the revenues in the local
28 transportation fund for the purpose of carrying out its
29 responsibilities.

30 (b) Sue and be sued.

31 (c) Enter into contracts with qualified vendors to further the
32 purposes of the commission.

33 (d) Do any and all things necessary to carry out the purposes of
34 this division.

35 132824. The commission shall undertake the following:

36 (a) Prepare a short-range transportation plan that includes the
37 development and approval of a three- to five-year transportation
38 improvement program, as follows:

39 (1) The transportation improvement program shall apply to all
40 projects funded with state, local, and federal funds.

1 (2) The transportation improvement program shall be developed
2 in coordination and consultation with the multicounty designated
3 transportation planning agency, and shall be consistent with that
4 agency's regional transportation plan.

5 (3) The county commission and the multicounty designated
6 transportation planning agency shall enter into a memorandum of
7 understanding specifying the process for preparing the
8 transportation improvement program.

9 (4) The commission shall consult with its member agencies, the
10 Department of Transportation, adjacent counties, and other entities
11 public and private when preparing its short-range plan and
12 transportation improvement program.

13 (b) The commission shall be responsible for administering the
14 funds deposited in the local transportation fund according to the
15 terms and conditions of the Mills-Alquist-Deddeh Act (Chapter 4
16 (commencing with Section 99200) of Part 11 of Division 10),
17 which is also known as the Transportation Development Act, or
18 any successor to that act.

19 (c) The commission shall be responsible for preparing the
20 short-range transit plan required by the Transportation
21 Development Act.

22 SEC. 2. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district are the result of a program for which legislative authority
26 was requested by that local agency or school district, within the
27 meaning of Section 17556 of the Government Code and Section
28 6 of Article XIII B of the California Constitution.