

ASSEMBLY BILL

No. 664

Introduced by Assembly Member Williams

February 21, 2013

An act to add Part 18 (commencing with Section 107000) to Division 10 of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 664, as introduced, Williams. Gold Coast Transit District.

Existing law creates various transit districts throughout the state, with specified powers and duties relative to providing public transit services.

This bill would create the Gold Coast Transit District in the County of Ventura. The bill would provide that the jurisdiction of the district would initially include the Cities of Oxnard, Ventura, Port Hueneme, and Ojai and the unincorporated areas of the County of Ventura. The bill would authorize other cities in the County of Ventura to subsequently join the district. The bill would dissolve the existing joint powers agency known as Gold Coast Transit, and would create the district, on July 1, 2014. The bill would provide for the transfer of assets from Gold Coast Transit to the district, and would provide for the member agencies of the district to claim transit funds under the Transportation Development Act on behalf of the district. The bill would provide for a governing board and would specify voting procedures for the taking of certain actions by the board. The bill would specify the powers and duties of the district to operate transit services, and would authorize the district to seek voter approval of tax measures and to issue revenue bonds. The bill would enact other related provisions. By imposing requirements on the district and affected local agencies, the 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 these statutory provisions.

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

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

1 SECTION 1. Part 18 (commencing with Section 107000) is
 2 added to Division 10 of the Public Utilities Code, to read:

3
 4 PART 18. GOLD COAST TRANSIT DISTRICT

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 6 CHAPTER 1. GENERAL PROVISIONS

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 8 107000. This part shall be known and may be cited as the Gold
 9 Coast Transit District Act.

10 107001. The purpose of the transit district is to develop,
 11 provide, operate, and administer public transportation and to protect
 12 the public interest, health, and welfare.

13 107002. As used in this part, the following terms have the
 14 following meanings:

15 (a) “Agency” means Gold Coast Transit, a joint powers agency
 16 created pursuant to Article 1 (commencing with Section 6500) of
 17 Chapter 5 of Division 7 of Title 1 of the Government Code.

18 (b) “Board of directors” or “board” means the board of directors
 19 of the district.

20 (c) “Board of Supervisors” means the Ventura County Board
 21 of Supervisors.

22 (d) “County” means the County of Ventura.

23 (e) “Director” means a voting member of the board of directors.

24 (f) “District” means the Gold Coast Transit District created by
 25 this part.

26 (g) “General manager” means the person defined in subdivision
 27 (d) of Section 107020.

1 (h) “Member” means the County of Ventura, the Cities of
2 Oxnard, San Buenaventura (Ventura), Port Hueneme, and Ojai,
3 and any other city within the County of Ventura that joins as a
4 member of the district as set forth in this part. No person or entity
5 of any kind that is not the county or a city in the county may be a
6 member.

7 (i) “Transit” means the transportation of passengers and their
8 incidental baggage.

9 (j) “Transit facilities” means any and all real and personal
10 property, easements, licenses, equipment, facilities, rights, title,
11 or interests owned or acquired by the district for transit services
12 and the operation thereof.

13 (k) “Voter” means any elector who is registered under the
14 Elections Code.

15
16 CHAPTER 2. FORMATION OF DISTRICT
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18 107003. There is hereby created the Gold Coast Transit District.
19 The jurisdiction of the district includes the Cities of Oxnard, San
20 Buenaventura (Ventura), Port Hueneme, and Ojai and the
21 unincorporated areas of the County of Ventura, and other cities
22 that subsequently qualify as members pursuant to the requirements
23 set forth in Section 107006.

24 107004. On and after July 1, 2014, the agency is dissolved and
25 the district succeeds to, and is vested with, all of the rights, powers,
26 duties, and obligations of the agency. The district is the successor
27 to the agency’s assets, interests in any property, its rights and
28 obligations under any contract, any outstanding indebtedness of
29 the agency, and its rights under any grants, without the necessity
30 of any further action.

31 107005. The district shall assume the duties of public transit
32 provider performed by the agency. On and after July 1, 2014, the
33 Cities of Oxnard, San Buenaventura (Ventura), Port Hueneme,
34 Ojai, the County of Ventura, and other jurisdictions that
35 subsequently qualify as members pursuant to the requirements set
36 forth in Section 107006 are included within the district.

37 107006. Any city within the County of Ventura, other than a
38 city specifically listed in Section 107003 that is already included
39 in the district at its formation, may join as a member of the district
40 upon approval by its city council of a resolution approving the

1 city’s joining as a member and a resolution of the district’s board
2 approving the joining of the new member.

3 107007. If any portion of the unincorporated area of the county
4 is annexed to a member city, that city shall assume the obligation
5 of the county for that area. If any portion of the unincorporated
6 area of the county becomes incorporated, the incorporating city
7 shall assume the obligations of the county for that area.

8 107008. Upon dissolution of the agency, employees of the
9 agency shall be deemed to be employees of the district without
10 any break in service or any loss or reduction of compensation or
11 benefits, except as may be imposed by express action of the board.

12 107009. (a) Notwithstanding subdivisions (a) and (c) of Section
13 99231 of the Public Utilities Code, the apportionment area for the
14 County of Ventura includes the unincorporated area of the county,
15 regardless of whether that area is also within the boundaries of the
16 district.

17 (b) Notwithstanding Section 99209 of the Public Utilities Code,
18 the County of Ventura, including any nonprofit corporation or
19 other legal entity wholly owned or controlled by the County of
20 Ventura, is a municipal operator if it operates a public
21 transportation system regardless of whether the County of Ventura
22 is included, in whole or in part, within the district. All members
23 of the district may also claim funds available in the local
24 transportation fund apportioned to the district for transit services,
25 including the operation of locally supported transit service and
26 maintenance of the transit facilities not provided by the district
27 that the member funds or operates.

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CHAPTER 3. GOVERNMENT OF THE DISTRICT

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31 107010. (a) The district shall be governed by a board composed
32 of a minimum of five directors, which may be expanded with the
33 addition of new member cities but shall not exceed 11 directors.
34 One director shall be appointed by the governing body of each
35 member. Each director shall serve at the pleasure of the director’s
36 appointing authority. Directors appointed pursuant to the joint
37 powers agreement, which is superseded by formation of the district,
38 shall continue to serve at the pleasure of the director’s appointing
39 authority. Each director shall at all times during the director’s term

1 be a member of the governing body of the member that appointed
2 the director.

3 (b) The governing body of each member shall also appoint an
4 alternate director, who shall serve on the board during the absence
5 or disability of the member's regular director. The alternate director
6 shall meet the same qualifications and shall serve upon the same
7 conditions and for the same term as the regular director. Whenever
8 the alternate director serves on the board, the alternate director
9 shall have all the powers of a regular director.

10 (c) The board may designate one or more ex officio members
11 based on district adopted procedures. The duties and
12 responsibilities of such nonvoting ex officio members shall be set
13 forth in the adopted bylaws.

14 (d) All actions of the board shall be by majority vote on a one
15 director, one vote formula with the exception of votes on the annual
16 budget, midyear budget changes and amendments, and capital
17 expenditures of five million dollars (\$5,000,000) or more. The
18 vote for these specific issues shall be weighted, as set forth in
19 subdivision (e).

20 (e) Where this subdivision is applicable, a director appointed
21 by a member whose population is under 100,000 shall have a vote
22 whose value and effect is equal to 1.0 vote and a director appointed
23 by a member whose population is 100,000 or more shall have a
24 vote whose value and effect is equal to 2.0 votes. The annual
25 population estimates of the Department of Finance shall be used
26 with an updated formula presented to the board annually at the
27 first board meeting after release of the estimates. The weighted
28 vote of any single director shall not, of itself, be given the value
29 or effect of a majority vote. A weighted vote may not be split by
30 any director.

31 (f) The board shall adopt bylaws for its proceedings consistent
32 with the laws of the state.

33 (g) The board shall do all of the following:

34 (1) Adopt an annual budget.

35 (2) Adopt an administrative code, by ordinance, which prescribes
36 the powers and duties of the district officers, the method of
37 appointment of the district employees, and the methods,
38 procedures, and systems of operation and management of the
39 district.

40 (3) Make determination of policy for the district.

- 1 (4) Adopt a conflict-of-interest code.
- 2 (5) Cause a postaudit of the financial transactions and records
- 3 of the district to be made at least annually by a certified public
- 4 accountant.
- 5 (6) Create and administer funds of the district.
- 6 (7) Adopt priorities reflecting the district’s goals.
- 7 (8) Do any and all things necessary to carry out the purposes of
- 8 this part.

10 CHAPTER 4. MEETINGS

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12 107011. The board, at its first meeting, and thereafter annually
13 at the meeting designated by the board, shall elect a chair, who
14 shall preside at all meetings, and a vice chair, who shall preside
15 in the absence of the chair. In the event of the chair’s or vice chair’s
16 absence or inability to act, the directors present, provided a quorum
17 exists, by an order entered into the minutes, shall select one director
18 to act as chair pro tempore, who, while so acting, shall have all
19 the authority of the chair.

20 107012. All meetings of the board and any standing committees
21 shall be conducted in a manner prescribed by the Ralph M. Brown
22 Act (Chapter 9 (commencing with Section 54950) of Part 1 of
23 Division 2 of Title 5 of the Government Code).

24 107013. A majority of the board or of a standing committee
25 entitled to vote constitutes a quorum for the transaction of business.
26 All official acts of the board or a standing subcommittee of the
27 board require the affirmative vote of a majority of the board or
28 committee members present.

29 107014. The acts of the board shall be expressed by motion,
30 resolution, or ordinance.

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32 CHAPTER 5. POWERS OF THE DISTRICT

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34 107015. The district shall have the power to own, operate,
35 manage, and maintain a public transit system and associated
36 facilities, and, in the exercise of the power under this part, the
37 district is authorized in its own name to do all of the following:

- 38 (a) Adopt a seal and alter it at its pleasure.
- 39 (b) Enact ordinances, resolutions, policies, and guidelines.

- 1 (c) Employ agents and employees and contract for professional
2 services.
- 3 (d) Make and enter into contracts and enter into stipulations of
4 any nature whatsoever and do all acts necessary and convenient
5 for the full exercise of the powers granted in this part for the
6 operation of the district and transit services and facilities.
- 7 (e) Acquire, convey, construct, manage, maintain, and operate
8 buildings and improvements, equipment, and assets of the district.
- 9 (f) Acquire, convey, and dispose of real and personal property,
10 easements, and licenses.
- 11 (g) Adopt a conflict-of-interest code.
- 12 (h) Lease and sublease real and personal property, equipment,
13 and facilities.
- 14 (i) Create and administer funds and the distribution of those
15 funds.
- 16 (j) Create and enact taxes, fees, fares, and penalties, as permitted
17 by law.
- 18 (k) Advocate on behalf of the district.
- 19 (l) Develop and pursue ballot measures.
- 20 (m) Enforce criminally or civilly, as applicable, any and all
21 ordinances, resolutions, and policies as permitted by law.
- 22 (n) Create standing and ad hoc committees, as deemed
23 necessary.
- 24 (o) Incur and encumber debts, obligations, and liabilities,
25 including, but not limited to, bonds, notes, warrants, and others
26 forms of indebtedness. However, the debts, obligations, and
27 liabilities incurred by the district shall not be, nor shall they be
28 deemed to be, debts, encumbrances, obligations, or liabilities of
29 any member.
- 30 (p) Invest money in the district treasury that is not needed for
31 immediate necessities, as the board determines advisable, in the
32 same manner and upon the same conditions as other local entities
33 in accordance with Section 53601 of the Government Code.
- 34 (q) Pursue collection of obligations owed to the district.
- 35 (r) Sue and be sued, except as otherwise provided by law, in all
36 actions and proceedings, in all courts and tribunals of competent
37 jurisdiction.
- 38 (s) Exercise the right and power of eminent domain to take any
39 property necessary or convenient to the exercise of the powers
40 granted in this part.

1 (t) Subject to applicable law, provide transportation services or
2 facilities outside the district's jurisdictional boundaries provided
3 a finding is made by the board that those services or facilities
4 benefit the citizens or users of the transportation service or
5 facilities.

6 (u) Do and undertake any and all other acts reasonable and
7 necessary to carry out the purposes of this part.

8 107016. (a) The district shall provide, operate, manage, and
9 maintain a public transportation service serving and connecting
10 the territories of the members. Within the district's capabilities,
11 as determined by the board, service may also be provided to points
12 outside the territories of the members, with the prior approval of
13 the public entity having jurisdiction of the territory to be served.
14 Within the district's capabilities, expanded transportation services,
15 routes, and facilities may also be provided.

16 (b) (1) The district shall provide a standardized system of fares
17 and a uniform system of transfers. Except as otherwise provided
18 in paragraph (2), changes in fares and changes in routes shall be
19 made only following a public hearing on the proposed change,
20 with detailed notice made to the governing bodies of the members
21 and the public at least 30 days prior to the proposed public hearing.

22 (2) Implementation of minor changes in routes and times may
23 be made without notice and hearing by the board. Those minor
24 changes may be implemented by the general manager without
25 notice and hearing under guidelines established by the board, if
26 the district has the equipment to make the minor changes without
27 reduction of its existing services elsewhere and the changes do not
28 result in additional costs to the district or the members. The term
29 "minor change" means less than 20 percent of the miles or hours
30 of a route.

31 (c) In the performance of its operations, the district shall seek
32 out and make maximum use of all available programs of assistance,
33 may apply for and receive public and private grants that promote
34 the operation of the district, and shall establish and maintain close
35 liaison with federal, state, and regional agencies.

36 (d) The district may either operate the transit system itself or a
37 part thereof or it may contract with any other public or private
38 agency or corporation to operate all or part of the transit system
39 for the district or it may contract with any public or private agency
40 or corporation for the improvement in transit services, facilities,

1 equipment, or operations being operated and conducted by that
2 agency or corporation in, or out of, the district, as permitted by
3 law.

4 107017. (a) In the performance of its operations, the district
5 shall do all of the following:

6 (1) Keep and maintain records and books of accounts in
7 accordance with the uniform system of accounts and records
8 adopted by the Controller pursuant to Section 99243 of the Public
9 Utilities Code.

10 (2) Provide for and submit to an annual independent audit of
11 its total operations. A copy of each audit report shall be filed with
12 the finance officer of each of the member agencies not later than
13 120 days following the close of each fiscal year.

14 (3) Consider and, following a public hearing, adopt an annual
15 operating and capital expenditure budget and a five-year capital
16 expenditure program, in compliance with the requirements of local,
17 state, and federal laws.

18 (4) Provide for insurance coverage of liability, operations, and
19 assets.

20 (5) Provide for district employee retirement benefits under the
21 program administered by the California Public Employees'
22 Retirement System or other system permitted by law.

23 (b) The district fiscal year shall be July 1 through June 30.

24 (c) Notice of the time and place of a public hearing on the
25 adoption of the annual budget shall be published pursuant to
26 Section 6061 of the Government Code not less than 15 days prior
27 to the day of the hearing. The proposed annual budget shall be
28 available for public inspection at least 15 days prior to the hearing.
29 Copies of the proposed annual budget and the capital expenditure
30 program shall be submitted to the governing bodies of the member
31 agencies for review and comment at least 30 days prior to the date
32 scheduled for public hearing and final adoption.

33 107018. (a) The district may, with the concurrence of a
34 majority of the board, cause to be submitted to voters of the district
35 a ballot measure for the imposition of taxes.

36 (b) If approved as required by law, the district may impose and
37 administer fees and other funding sources secured for transportation
38 system operation, maintenance, and improvement.

39 (c) The board may set fares for public transit service by
40 resolution.

1 (d) As an alternative procedure for the raising of funds, the
2 district may issue bonds, payable from revenues of any facility or
3 enterprise to be acquired or constructed by the district, in the
4 manner provided by the Revenue Bond Law of 1941 (Chapter 6
5 (commencing with Section 54300) of Part 1 of Division 2 of Title
6 5 of the Government Code), all of the provisions of which are
7 applicable to the district.

8 (e) The district is a local agency within the meaning of the
9 Revenue Bond Law of 1941 (Chapter 6 (commencing with Section
10 54300) of Part 1 of Division 2 of Title 5 of the Government Code).
11 The term “enterprise” as used in the Revenue Bond Law of 1941
12 shall, for all purposes of this part, include transit facilities and any
13 and all parts thereof and all additions, extensions, and
14 improvements thereto and all other facilities authorized acquired,
15 constructed, or completed by the district. The district may issue
16 revenue bonds under the Revenue Bond Law of 1941, for any one
17 or more facilities or enterprises authorized to be acquired,
18 constructed, or completed by the district, or, in the alternative,
19 may issue revenue bonds under the Revenue Bond Law of 1941,
20 for the acquisition, construction, and completion of any one of
21 those facilities. Nothing in this part shall prevent the district from
22 availing itself of, or making use of, any procedure provided in this
23 part for the issuance of bonds of any type or character for any of
24 the facilities or works authorized under this part, and all
25 proceedings may be carried out simultaneously or, in the
26 alternative, as the directors may determine.

27 (f) The district may advocate on and act on behalf of all
28 members with their concurrence to further the district’s transit
29 interests, funding, projects, and priorities.

30 (g) The district may promulgate a plan for funding transit
31 projects or operations within its jurisdiction or as permitted in
32 subdivision (t) of Section 107015.

33 107019. In the performance of its operations, the district shall
34 comply with Title VI of the Civil Rights Act of 1964 (Public Law
35 88-352) and all requirements imposed by the Federal Transit
36 Administration. The district’s operations shall be performed in
37 accordance with Title VI of that act to the end that no person in
38 the United States shall, on the ground of race, color, or national
39 origin, be excluded from participation in, be denied the benefits

1 of, or otherwise be subjected to discrimination under the district's
2 operations.

3 107020. (a) The district may hire an independent staff of its
4 own or contract with any department or agency of the United States
5 or with any public or private entity to implement this part.

6 (b) The district may contract with public or private entities in
7 conformance with applicable procurement procedures for the
8 procurement of engineering, project management, and contract
9 management services.

10 (c) The board shall fix the compensation of the district's officers
11 and employees.

12 (d) The district may employ employees and agents as the board
13 may deem necessary to carry out its powers and duties, including,
14 but not limited to, a general manager and legal counsel. The general
15 manager and legal counsel shall be selected by, and shall serve at
16 the pleasure of, and upon the terms prescribed by, the board.

17 107021. The general manager, and every officer or person
18 under the direction of the general manager who handles, has access
19 to, or has charge of any property of the district, shall provide and
20 file with the general manager an official fidelity bond or insurance
21 policy assuring to the district that person's performance. The board
22 shall determine and establish the penal sum of each official bond.
23 Premiums charged for each bond required shall be paid by the
24 district.

25 107022. The members, whether individually or collectively,
26 shall not be liable for any act or omission of the district, including,
27 but not limited to, any of the following:

28 (a) Performing any and all things necessary to carry out the
29 purposes of this part.

30 (b) Any act of the district, or for any act of district's agents or
31 employees.

32 (c) The payment of wages, benefits, or other compensation to
33 officers, agents, or employees of the district.

34 (d) The payment of workers' compensation or indemnity to
35 agents or employees of the district for injury, illness, or death.

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CHAPTER 6. CLAIMS

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39 107023. (a) All claims for money or damages against the
40 district are governed by Division 3.6 (commencing with Section

1 810) of Title 1 of the Government Code, except as provided therein
2 or by other statutes or regulations expressly applicable thereto.

3 (b) No claim for money or damages shall be considered by the
4 board unless the claim conforms to the provisions of Chapter 2
5 (commencing with Section 910) of Division 3.6 of Title 1 of the
6 Government Code and unless the claim is filed with the clerk of
7 the board not less than five days prior to the time of the meeting
8 of the board at which it is to be considered.

9 (c) Pursuant to Section 935 of the Government Code, all claims
10 against the district for money or damages that are excepted by
11 Section 905 of the Government Code from the provisions of
12 Division 3.6 (commencing with Section 810) of Title 1 of the
13 Government Code, and which are not governed by any other
14 statutes or regulations expressly relating thereto, shall be governed
15 by the procedures prescribed in this section, as follows:

16 (1) A signed written claim shall be presented to the district by
17 mailing or delivering it to the clerk of the board by the claimant
18 or by a person acting on behalf of the claimant. The claim shall
19 conform to the requirements of Section 910 of the Government
20 Code or be on a form provided by the district.

21 (2) Unless otherwise provided in this section, the procedures of
22 presentation, consideration, and action upon all claims filed
23 pursuant to this section shall be the same as the procedures
24 provided and required by Sections 910 to 915.2, inclusive, of the
25 Government Code, and any amendment thereto as enacted, which
26 provisions and sections are hereby adopted as the requirements of
27 this section. The presentation and action on claims provided herein
28 shall be a prerequisite to a suit thereon, and the suit shall be subject
29 to the provisions of Sections 945.5 and 945.6 of the Government
30 Code.

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CHAPTER 7. DETACHMENTS

34 107024. (a) Territory within the district may be detached from
35 the district by a supermajority vote of the directors, which shall
36 be at least 80 percent of the nonweighted vote of the existing board
37 provided that all pending legal and financial obligations have been
38 satisfied.

39 (b) The detachment of territory from the district shall become
40 effective upon giving of the notice required in Section 57204 of

1 the Government Code, provided that the detached territory shall
2 not be relieved from liability for taxation for the payment of any
3 bonded indebtedness existing at the time of detachment.

4 (c) Notice of the detachment of territory from the district shall
5 be given to each assessor whose roll is used for a tax levy made
6 pursuant to this part and with the State Board of Equalization
7 pursuant to Chapter 8 (commencing with Section 54900) of Part
8 1 of Division 2 of Title 5 of the Government Code.

9

10 CHAPTER 8. DISSOLUTION

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12 107025. (a) The district may be dissolved upon a supermajority
13 vote of the directors which shall be at least 80 percent of the
14 nonweighted vote of the board. However, the winding up of the
15 district shall be conducted by the board and the general manager.
16 The district shall not be fully dissolved and terminated until all
17 debts, financial obligations, and liabilities are paid in full and any
18 and all remaining assets after payment of all debts, financial
19 obligations, and liabilities are distributed to the members.

20 (b) (1) If the directors cannot agree as to the valuation of the
21 property or to the manner of asset distribution, the question shall
22 be submitted to arbitration, as set forth below, and the directors
23 shall make the distribution or valuation as directed by arbitrators.

24 (2) Three arbitrators shall be appointed. One arbitrator shall be
25 selected by the governing bodies of the Cities of Oxnard and San
26 Buenaventura, one arbitrator shall be selected by the governing
27 bodies of the County of Ventura, the City of Port Hueneme, and
28 the City of Ojai, and one arbitrator shall be selected by the
29 governing bodies of the other members. If no other members exist,
30 the third arbitrator shall be selected by the Presiding Judge of the
31 Ventura County Superior Court.

32 (3) The arbitration shall be binding and shall be conducted
33 pursuant to Title 9 (commencing with Section 1280) of the Code
34 of Civil Procedure. Any hearings shall be held within the county.
35 All notices, including notices under Section 1290.4 of the Code
36 of Civil Procedure shall be given to the governing body of each
37 member.

38 SEC. 2. If the Commission on State Mandates determines that
39 this act contains costs mandated by the state, reimbursement to
40 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O