

AMENDED IN SENATE JUNE 25, 2009

AMENDED IN SENATE JUNE 9, 2009

AMENDED IN ASSEMBLY MAY 7, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 644

Introduced by Assembly Member Caballero

February 25, 2009

An act to add Part 17 (commencing with Section 106000) to Division 10 of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 644, as amended, Caballero. Monterey-Salinas Transit District Act.

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

This bill would enact the Monterey-Salinas Transit District Act. The bill, operative July 1, 2010, would dissolve the Monterey-Salinas Transit Joint Powers Agency and create the Monterey-Salinas Transit District within Monterey County to succeed to the rights, powers, duties, and obligations of the agency. The bill would establish a board of directors to govern the district. The act would provide that upon the dissolution of the Monterey-Salinas Transit Joint Powers Agency its employees shall become employees of the district. The bill would authorize the district to hire independent staff and contract with public entities to implement the provisions of the act. The bill would authorize the district to raise moneys by issuing bonds payable from revenues of any facility or enterprise acquired or constructed by the district. The bill would establish other powers and duties of, and conditions for membership

in, the district. By imposing new duties on a local agency, 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 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:

1 SECTION 1. Part 17 (commencing with Section 106000) is
2 added to Division 10 of the Public Utilities Code, to read:

3
4 PART 17. MONTEREY-SALINAS TRANSIT DISTRICT

5
6 CHAPTER 1. GENERAL PROVISIONS

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8 106000. This part shall be known and may be cited as the
9 Monterey-Salinas Transit District Act.

10 106001. As used in this part, the following terms have the
11 following meanings:

12 (a) "Agency" means the Monterey-Salinas Transit Joint Powers
13 Agency, a joint exercise of powers agency.

14 (b) "Board of directors" or "board" means the Board of
15 Directors of the Monterey-Salinas Transit District.

16 (c) "Board of supervisors" means the Monterey County Board
17 of Supervisors.

18 (d) "County" means Monterey County.

19 (e) "District" means the Monterey-Salinas Transit District
20 created by Section 106010.

21
22 CHAPTER 2. FORMATION OF DISTRICT

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24 106010. There is hereby created the Monterey-Salinas Transit
25 District. The jurisdiction of the district extends throughout the
26 county, including all of the incorporated and unincorporated
27 territory.

1 106011. On and after July 1, 2010, the agency is dissolved and
2 the district succeeds to, and is vested with, all of the rights, powers,
3 duties, and obligations of the agency. The district is the successor
4 to the agency's interests in any property, its rights and obligations
5 under any contract, any outstanding indebtedness of the agency,
6 and its rights under any grants, without the necessity of any further
7 action.

8 106012. (a) The district shall assume the duties of public transit
9 provider performed by the agency. On and after July 1, 2010, the
10 Cities of Carmel-by-the-Sea, Del Rey Oaks, Marina, Monterey,
11 Pacific Grove, Salinas, Seaside, Gonzales, Soledad, Greenfield,
12 King City, Sand City, the County of Monterey, and other
13 jurisdictions that subsequently qualify as members pursuant to the
14 requirements set forth in Section 106020 are included within the
15 district.

16 (b) Additionally, the district is deemed to be, with all of the
17 powers and duties attendant thereto, the consolidated transportation
18 services agency for the county, with the concurrence of the regional
19 transportation planning agency.

20 106013. Upon dissolution of the agency, employees of the
21 agency shall be deemed to be employees of the district without
22 any break in service or any loss or reduction of compensation or
23 benefits, except as may be imposed by express action of the board.
24

25 CHAPTER 3. GOVERNMENT OF DISTRICT

26 Article 1. Board of Directors

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29 106020. (a) The district shall be governed by a board of
30 directors which shall be composed of one representative from each
31 member jurisdiction. Each member of the board of directors shall
32 have one vote. Each member jurisdiction shall appoint one regular
33 member and one alternate member to the board of directors and
34 shall notify the district in writing of its appointments or any change
35 of representative.

36 (b) Membership of the district shall be limited to the County of
37 Monterey and incorporated cities within the county and includes
38 the county and each city that gives the district the right of first
39 priority for use of any local, state, or federal funds allocated
40 specifically for public transit systems and to which the city member

1 might otherwise be entitled to claim as, but not limited to, local
2 transportation funds pursuant to Chapter 4 (commencing with
3 Section 99200) of Part 11. The county shall give the district the
4 right of first priority of use of any local, state, or federal funds
5 allocated specifically for public transit to which the county might
6 otherwise be entitled to claim as, but not limited to, local
7 transportation funds pursuant to Chapter 4 (commencing with
8 Section 99200) of Part 11 according to a ratio of unincorporated
9 population within three-quarters of a mile of the district transit
10 routes to the total unincorporated population of the county.

11 (c) Each member shall serve solely at the pleasure of the
12 appointing member jurisdiction. Members shall be either elected
13 officials or officers or employees of the appointing member
14 jurisdiction.

15 (d) If any portion of the unincorporated area of the county is
16 annexed to a member city, that city shall assume the obligation of
17 the county for that area. If any portion of the unincorporated area
18 of the county becomes incorporated, that city shall assume the
19 obligations of the county for that area.

20 106021. The board shall adopt bylaws for its proceedings
21 consistent with the laws of the state.

22 106022. The board shall do all of the following:

23 (a) Adopt an annual budget.

24 (b) Adopt an administrative code, by ordinance, which prescribes
25 the powers and duties of the district officers, the method of
26 appointment of the district employees, and methods, procedures,
27 and systems of operation and management of the district.

28 (c) Cause a postaudit of the financial transactions and records
29 of the district to be made at least annually by a certified public
30 accountant.

31 (d) Do any and all things necessary to carry out the purposes of
32 this part.

33 106023. The board of directors shall adopt priorities reflecting
34 the district's goals.

35 Article 2. Meetings

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38 106030. The board, at its first meeting, and thereafter annually
39 at the meeting designated by the board, shall elect a chairperson
40 who shall preside at all meetings, and a vice chairperson who shall

1 preside in the absence of the chairperson. In the event of his or her
2 absence or inability to act, the members present, by an order entered
3 in the minutes, shall select one of their members to act as
4 chairperson pro tempore, who, while so acting, shall have all the
5 authority of the chairperson.

6 106031. All meetings of the board shall be conducted pursuant
7 to Chapter 9 (commencing with Section 54950) of Part 1 of
8 Division 2 of Title 5 of the Government Code.

9 106032. A majority of the board of directors entitled to vote
10 constitutes a quorum for the transaction of business. All official
11 acts of the district require the affirmative vote of a majority of the
12 board of directors entitled to vote.

13 106033. The acts of the board shall be expressed by motion,
14 resolution, or ordinance.

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16 CHAPTER 4. POWERS AND FUNCTIONS OF THE DISTRICT

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18 Article 1. Personnel

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20 106040. (a) The district may hire an independent staff of its
21 own or contract with any department or agency of the United States
22 or with any public agency to implement this part.

23 (b) The district may contract with private entities in conformance
24 with applicable procurement procedures for the procurement of
25 engineering, project management, and contract management
26 services.

27 106041. The board of directors shall fix the compensation of
28 the district's officers and employees.

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30 Article 2. Annual Budget

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32 106045. (a) Notice of the time and place of a public hearing
33 on the adoption of the annual budget shall be published pursuant
34 to Section 6061 of the Government Code not less than 15 days
35 prior to the day of the hearing.

36 (b) The proposed annual budget shall be available for public
37 inspection at least 15 days prior to the hearing.

Article 3. Corporate Powers

106050. The district may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

106051. All claims for money or damages against the district are governed by Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, except as provided therein, or by other statutes or regulations expressly applicable thereto.

Article 4. Contracts

106055. The district may make contracts and enter into stipulations of any nature whatsoever, either in connection with eminent domain proceedings or otherwise, including, but not limited to, contracts and stipulations to indemnify and hold harmless, to employ labor, and to perform all acts necessary and convenient for the full exercise of the powers granted in this part.

106056. The district may contract with any department or agency of the United States, with any public agency, including, but not limited to, the Department of Transportation, any county, city, or district, or with any person or a private entity upon the terms and conditions that the district finds in its best interest for the procurement of engineering, project management, and contract management services.

~~106057. The district shall adopt procurement procedures that comply with Federal Transit Administration Circular 4220.1D, as amended, relative to third-party contracting.~~

106057. (a) *The purchase of all supplies, equipment, and materials, when the expenditure required exceeds one hundred thousand dollars (\$100,000), shall, by contract, be let to the lowest responsible bidder, or, in the authority's discretion, to the responsible bidder who submitted a proposal that provides the best value to the authority on the basis of the factors identified in the solicitation. "Best value" means the overall combination of quality, price, and other elements of a proposal that, when considered together, provide the greatest overall benefit in response to the requirements described in the solicitation documents.*

1 ***(b) To the extent practicable, the authority shall obtain a***
2 ***minimum of three quotations, either written or oral, that permit***
3 ***prices and terms to be compared whenever the expected***
4 ***expenditure required for the purchase of supplies, equipment, or***
5 ***materials exceeds two thousand five hundred dollars (\$2,500), but***
6 ***does not exceed one hundred thousand dollars (\$100,000).***

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8 Article 5. Financing
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10 106060. (a) The district has no authority to impose ~~property~~,
11 sales, ~~general~~, or special taxes, but may, with the concurrence of
12 a majority of the member jurisdictions represented on the board
13 of directors, cause to be submitted to voters of the district a ballot
14 measure for the imposition of those taxes.

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

18 (c) The board of directors may set fares for public transit service
19 by resolution or minute order.

20 106061. As an alternative procedure for the raising of funds,
21 the district may issue bonds, payable from revenues of any facility
22 or enterprise to be acquired or constructed by the district, in the
23 manner provided by the Revenue Bond Law of 1941 (Chapter 6
24 (commencing with Section 54300) of Part 1 of Division 2 of Title
25 5 of the Government Code), all of the provisions of which are
26 applicable to the district.

27 106062. The district is a local agency within the meaning of
28 the Revenue Bond Law of 1941 (Chapter 6 (commencing with
29 Section 54300) of Part 1 of Division 2 of Title 5 of the Government
30 Code). The term “enterprise” as used in the Revenue Bond Law
31 of 1941 shall, for all purposes of this part, include transit facilities
32 and any and all parts thereof and all additions, extensions, and
33 improvements thereto and all other facilities authorized to be
34 acquired, constructed, or completed by a district or, in the
35 alternative, may issue revenue bonds under the Revenue Bond
36 Law of 1941, for the acquisition, construction, and completion of
37 any one of those facilities. Nothing in this article shall prevent the
38 district from availing itself of, or making use of, any procedure
39 provided in this part for the issuance of bonds of any type or
40 character for any of the facilities or works authorized under this

1 part, and all proceedings may be carried on simultaneously or in
2 the alternative, as the directors may determine.

3 106063. The district may advocate and act on behalf of all
4 district member jurisdictions with their concurrence to further
5 Monterey County transportation system interests, funding, projects,
6 and priorities.

7 106064. The district may promulgate a plan for funding
8 transportation projects within its jurisdiction.

9 SEC. 2. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district are the result of a program for which legislative authority
13 was requested by that local agency or school district, within the
14 meaning of Section 17556 of the Government Code and Section
15 6 of Article XIII B of the California Constitution.

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18 **CORRECTIONS:**

19 **Digest—Page 1.**

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