

AMENDED IN ASSEMBLY JUNE 26, 2006
AMENDED IN ASSEMBLY JUNE 22, 2006
AMENDED IN SENATE JANUARY 23, 2006
AMENDED IN SENATE JANUARY 4, 2006
AMENDED IN SENATE SEPTEMBER 7, 2005
AMENDED IN SENATE APRIL 5, 2005

SENATE BILL

No. 1010

Introduced by Senator Florez

February 22, 2005

An act to add Section 10025 to the Public Utilities Code, relating to rail service.

LEGISLATIVE COUNSEL'S DIGEST

SB 1010, as amended, Florez. Rail service: City of Shafter.

Existing law authorizes municipal corporations to acquire, construct, own, operate, or lease any public utility. For these purposes, "public utility" is defined as including the transportation of persons or property.

This bill would authorize the legislative body of the City of Shafter, by ordinance, to assign the functions of an intermodal rail facility to an intermodal rail commission, to the legislative body, or to any combination of the 2. If the city elects to establish an intermodal rail commission, it would serve as an advisory body of the city in all matters pertaining to the California Integrated Logistics Center or other intermodal rail facility operated by the city, with specified functions. If the city elects to establish an intermodal rail commission,

it would be required to compensate commissioners for their actual and necessary expenses and authorize the city to compensate a commissioner up to \$75 for each meeting attended by that commissioner. The bill would require, if the city elects to establish an intermodal rail commission, that the city provide the funds, equipment, and accommodations necessary or appropriate for the work of the commission and would prohibit any fee imposed to support the work of the commission from exceeding the reasonable cost of providing the service for which the fee is charged.

~~This bill would authorize the City of Shafter to establish a separate governing body for the purpose of operating an intermodal rail facility within the City of Shafter and to obtain financing, or enter into other leases or contracts relating to the financing, construction, operation, or use of an intermodal rail facility, subject to certain conditions and requirements. The bill would require the City of Shafter to use all revenues received from the operations of an intermodal rail facility solely for public or municipal purposes, as defined.~~

The bill would declare that, due to the special circumstances applicable only to the City of Shafter, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.

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

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

- 1 SECTION 1. Section 10025 is added to the Public Utilities
- 2 Code, to read:
- 3 10025. (a) The legislative body of the City of Shafter may, by
- 4 ordinance, assign the functions of an intermodal rail facility to
- 5 an intermodal rail commission, to the legislative body itself, or to
- 6 any combination thereof, as it deems necessary and appropriate.
- 7 (b) If an intermodal rail commission is established, all of the
- 8 following shall apply:
- 9 (1) The commission shall serve as an advisory body of the City
- 10 of Shafter in all matters pertaining to the California Integrated
- 11 Logistics Center or other intermodal rail facility operated by the
- 12 City of Shafter, and shall perform the following functions:

1 (A) Evaluate and recommend operating and capital
2 expenditures.

3 (B) Evaluate and recommend capital improvement projects.

4 (C) Evaluate and recommend business expansion or
5 contraction.

6 (D) Undertake strategic planning regarding the operation and
7 maintenance of the California Integrated Logistics Center or
8 other intermodal rail facility operated by the City of Shafter.

9 (E) Evaluate and recommend changes to rates or related
10 ratesetting matters.

11 (F) Represent the city at private and public meetings and
12 conferences.

13 (2) The legislative body of the City of Shafter may specify the
14 membership of the commission. The terms of office,
15 qualifications, and method of appointment and removal shall be
16 as provided by ordinance.

17 (3) The commission shall consist of at least five members, all
18 of whom shall act in the public interest.

19 (4) The legislative body of the City of Shafter may establish
20 any rules, procedures, or standards for the commission that do
21 not conflict with state or federal laws.

22 (5) The commissioners shall receive their actual and
23 necessary expenses, including traveling expenses incurred in the
24 discharge of their duties. The legislative body may also provide
25 for other compensation consistent with paragraph (6).

26 (6) The compensation provided by the legislative body of the
27 City of Shafter to a commissioner shall not exceed seventy-five
28 dollars (\$75) for each commissioner for each meeting of the
29 commission attended by that commissioner. No commissioner
30 shall receive compensation for attending more than two meetings
31 of the commission in any calendar month.

32 (7) The legislative body of the City of Shafter shall provide the
33 funds, equipment, and accommodations necessary or appropriate
34 for the work of the commission. If the legislative body of the City
35 of Shafter establishes any fees to support the work of an
36 intermodal rail commission, the fees shall not exceed the
37 reasonable cost of providing the service for which the fee is
38 charged.

1 (8) *The Ralph M. Brown Act (Chapter 9 (commencing with*
2 *section 54950) of Division 2 of the Government Code) shall*
3 *apply to the proceedings of the commission.*

4 (9) *The California Public Records Act (Chapter 3.5*
5 *(commencing with Section 6250) of Division 7 of Title 1 of the*
6 *Government Code) shall apply to the operation of the*
7 *commission.*

8 (10) *The commission shall be “local government agency”*
9 *pursuant to Sections 82003 and 82041 of the Government Code*
10 *and the commission and its applicable members, officers,*
11 *employees and consultants shall be subject to the Political*
12 *Reform Act (Title 9 (commencing with Section 81000) of the*
13 *Government Code).*

14 ~~SECTION 1. Section 10025 is added to the Public Utilities~~
15 ~~Code, to read:~~

16 ~~10025. (a) The City of Shafter is hereby authorized to do~~
17 ~~both of the following:~~

18 ~~(1) Establish a separate governing body, in whichever form it~~
19 ~~determines to be most appropriate, for the purpose of operating~~
20 ~~an intermodal rail facility within the City of Shafter, and any~~
21 ~~governing body so established shall be created, organized, and~~
22 ~~maintained in a manner that complies with all applicable laws,~~
23 ~~including, but not limited to, the charter amendment procedures~~
24 ~~provided for under state law, as applicable.~~

25 ~~(2) Obtain financing, or enter into other leases or contracts~~
26 ~~relating to the financing, construction, operation, or use of an~~
27 ~~intermodal rail facility. If required, the City of Shafter may take~~
28 ~~reasonable steps, including, but not limited to, the pursuit of~~
29 ~~charter amendments or other authorization under law, to obtain~~
30 ~~that financing or to enter into contracts necessary for the~~
31 ~~financing, construction, operation, or use of an intermodal rail~~
32 ~~facility.~~

33 ~~(b) The City of Shafter shall use all revenues received from~~
34 ~~the operations of an intermodal rail facility as described in~~
35 ~~subdivision (a), if any, solely for public or municipal purposes.~~
36 ~~As used in this subdivision, “public or municipal purposes”~~
37 ~~means any purpose that the legislative body of the City of Shafter~~
38 ~~determines to be for the benefit of the operation and development~~
39 ~~of the intermodal rail facility, the citizenry of the City of Shafter~~

1 as a whole, or the City of Shafter in its capacity as a municipal
2 corporation.

3 (e) (1) ~~The Bagley-Keene Open Meeting Act (Article 9~~
4 ~~(commencing with Section 11120) of Chapter 1 of Part 1 of~~
5 ~~Division 3 of Title 2 of the Government Code) is applicable to~~
6 ~~the proceedings of the governing body of the intermodal rail~~
7 ~~facility.~~

8 (2) ~~The California Public Records Act (Chapter 3.5~~
9 ~~(commencing with Section 6250) of Division 7 of Title 1 of the~~
10 ~~Government Code) is applicable to the operation of the~~
11 ~~intermodal rail facility by the City of Shafter pursuant to this~~
12 ~~section.~~

13 (d) (1) ~~A member of any separate governing body established~~
14 ~~pursuant to paragraph (1) of subdivision (a) shall be required to~~
15 ~~file financial disclosure statements with the Fair Political~~
16 ~~Practices Commission.~~

17 (2) ~~A member of any separate governing body established~~
18 ~~pursuant to paragraph (1) of subdivision (a) shall comply with~~
19 ~~the conflict of interest provisions of Article 1 (commencing with~~
20 ~~Section 87100) of Chapter 7 of Title 9 of the Government Code.~~

21 (e) (1) ~~All funding for the intermodal rail facility shall be~~
22 ~~provided by the City of Shafter. The governing body of the~~
23 ~~intermodal rail facility established pursuant to paragraph (1) of~~
24 ~~subdivision (a) shall not levy any tax, assessment, fee, or other~~
25 ~~charge or exaction.~~

26 (2) ~~The governing body of the intermodal rail facility of the~~
27 ~~City of Shafter established pursuant to paragraph (1) of~~
28 ~~subdivision (a) shall, according to accepted accounting practices,~~
29 ~~prepare and submit a budget to the governing board of the City of~~
30 ~~Shafter, for its approval, that sets forth in reasonable detail the~~
31 ~~proposed expenditures necessary to carry out the functions~~
32 ~~authorized by this section. The proposed budget shall be adopted~~
33 ~~by the governing body by majority vote at a public meeting after~~
34 ~~providing at least 30 days' notice of the proposed budget to the~~
35 ~~public. Any moneys received by the intermodal rail facility from~~
36 ~~private sources shall come through the City of Shafter, and their~~
37 ~~expenditure shall be approved in a budget approved by the~~
38 ~~governing board of the City of Shafter.~~

1 ~~(3) All rates, fees, or other charges for intermodal rail facility~~
2 ~~services supplied pursuant to this section shall be established by~~
3 ~~the governing board for the City of Shafter.~~

4 ~~SEC. 4.~~

5 *SEC. 2.* The Legislature finds and declares that, because of
6 the unique circumstances applicable only to the City of Shafter, a
7 statute of general applicability cannot be enacted within the
8 meaning of subdivision (b) of Section 16 of Article IV of the
9 California Constitution. Because of its proximity to agricultural
10 production, proximity to import and export distribution locations,
11 and existing rail line infrastructure, the City of Shafter is
12 uniquely situated to provide integrated logistical railroad service
13 to serve both domestic and international needs in a manner that
14 will relieve congestion in the state's harbors and on its highways.
15 Therefore, this special statute is necessary.