

AMENDED IN ASSEMBLY AUGUST 7, 2006
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. The bill would require all rates, fees, or charges for the described intermodal rail facility services to be imposed by the city in accordance with specified provisions of the California Constitution, if applicable.~~

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: 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,
- 4 by 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
- 10 City of Shafter in all matters pertaining to the California
- 11 Integrated Logistics Center or other intermodal rail facility
- 12 operated by the City of Shafter, and shall perform the following
- 13 functions:
- 14 (A) Evaluate and recommend operating and capital
- 15 expenditures.
- 16 (B) Evaluate and recommend capital improvement projects.

1 (C) Evaluate and recommend business expansion or
2 contraction.

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

6 (E) Evaluate and recommend changes to rates or related
7 ratesetting matters.

8 (F) Represent the city at private and public meetings and
9 conferences.

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

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

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

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

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

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

36 (8) *All rates, fees, or charges for intermodal rail facility*
37 *services supplied pursuant to this section shall be imposed by the*
38 *legislative body of the City of Shafter in accordance with Article*
39 *XIII C and Article XIII D of the California Constitution, if*
40 *applicable.*

1 ~~(8)~~

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

5 ~~(9)~~

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

10 ~~(10)~~

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

17 SEC. 2. The Legislature finds and declares that, because of
18 the unique circumstances applicable only to the City of Shafter, a
19 statute of general applicability cannot be enacted within the
20 meaning of subdivision (b) of Section 16 of Article IV of the
21 California Constitution. Because of its proximity to agricultural
22 production, proximity to import and export distribution locations,
23 and existing rail line infrastructure, the City of Shafter is
24 uniquely situated to provide integrated logistical railroad service
25 to serve both domestic and international needs in a manner that
26 will relieve congestion in the state’s harbors and on its highways.
27 Therefore, this special statute is necessary.