

Senate Bill No. 1010

Passed the Senate August 23, 2006

Secretary of the Senate

Passed the Assembly August 17, 2006

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1010, 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 thereof. Under the bill, if the city elects to establish an intermodal rail commission, the commission would be required to 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. Under the bill, if the city elects to establish an intermodal rail commission, the city would be required to compensate commissioners for their actual and necessary expenses and the city would be authorized to compensate a commissioner for each meeting attended by that commissioner, not to exceed \$75 per meeting. The bill would require, if the city elects to establish an intermodal rail commission, the city to provide the funds, equipment, and accommodations necessary or appropriate for the work of the commission. 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.

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

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

10025. (a) The legislative body of the City of Shafter may, by ordinance, assign the functions of an intermodal rail facility to an intermodal rail commission, to the legislative body itself, or to any combination thereof, as it deems necessary and appropriate.

(b) If an intermodal rail commission is established, all of the following shall apply:

(1) The commission shall serve as an advisory body of the City of Shafter in all matters pertaining to the California Integrated Logistics Center or other intermodal rail facility operated by the City of Shafter, and shall perform the following functions:

(A) Evaluate and recommend operating and capital expenditures.

(B) Evaluate and recommend capital improvement projects.

(C) Evaluate and recommend business expansion or contraction.

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

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

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

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

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

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

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

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

(7) The legislative body of the City of Shafter shall provide the funds, equipment, and accommodations necessary or appropriate for the work of the commission.

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

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

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

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

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

Approved _____, 2006

Governor