




Date: December 26, 2012

To: GCT Board of Directors

From: Helene Buchman
Director of Planning and Marketing 

Subject: Update on the Proposed Gold Coast Transit District and Adjournment to a Special Meeting of the Gold Coast Transit Board of Directors on January 23, 2013 for Final Adoption of Gold Coast Transit District Legislation.

I. EXECUTIVE SUMMARY

After considering an update of the results of the Ad Hoc Working Committee meeting in September, the Board directed staff to solicit input from GCT member agencies as well as from jurisdictions in the East County and Heritage Valley. Staff conducted presentations to the city councils of Ojai, Oxnard and Ventura, the County Board of Supervisors, and at the monthly meeting of the county's City Managers. Staff also made a presentation to the Bus Riders' Union at a community meeting in Fillmore. Based on the feedback we received, staff has made modifications to specific portions of the draft legislation. The revised draft Transit District legislative language was reviewed and endorsed by the Ad Hoc Committee at their December 18 meeting.

RECOMMENDATION: It is recommended that the Board of Directors hear an update and review the latest draft of the proposed Gold Coast Transit District legislative language and direct staff to solicit input from member agencies as well as those in the East County and Heritage Valley. It is further recommended that the Board of Directors conduct a special meeting of the Board of Directors on January 23, 2013 and adjourn to that date.

II. DISCUSSION

At the November 14, 2012 meeting, the Board of Directors heard an update from the Ad Hoc Working Committee regarding the draft legislative language for the proposed Gold Coast Transit District. At that time, the Board directed staff to continue to solicit input from member agencies as well as nonmember agencies. To date staff has made the following presentations:

301 E Third St, Oxnard, CA 93030-6048 • 805.483.3959 • FAX 805.487.0925 • www.goldcoasttransit.org

A Joint Powers Agency of:

City of Ojai • City of Oxnard • City of Port Hueneme • City of Ventura • County of Ventura

- City Council of Oxnard, September 25, 2012
- Ventura County City Managers, October 18, 2012
- City Council of Ojai, November 13, 2012
- State Senate Transportation and Housing Committee Special Meeting, November 27, 2012
- City Council of Ventura, December 3, 2012
- Ventura County Bus Riders Union, Fillmore, December 6, 2012
- Board of Supervisors, December 11, 2012

In addition to these presentations, staff has briefed our transit operator colleagues at meetings on October 22nd, October 25th, November 15th, November 29th, December 12th, and December 21st.

On October 24, 2012, staff met with Councilmember Bryan MacDonald, General Counsel Nancy Kierstyn Schreiner, and legislative assistants to Assemblyman Jeff Gorell to discuss possible sponsorship for our legislation and cover any concerns that may be articulated.

At these outreach meetings, staff was able to take in significant feedback regarding several key issues:

Definition of the proposed GCT District boundaries: There was concern on the part of East County and Heritage Valley cities that, by defining the area the District *could* serve to be the entire county, should the District make decisions relative to taxing or other financing in its area, nonmember agencies would not be party to these decisions but could be subject to them.

Also, there was concern on the part of Ventura County relative to how to allocate funds to unincorporated areas, be they east or west. Currently, Ventura County does not define any sort of "midpoint" to distinguish what would be east or west with respect to allocation of Transportation Development Act (state sales tax) funding for transit service. Staff worked closely with Ventura County staff, including County Counsel, to develop wording that would enable all unincorporated areas of the County to be included in the District, while still allowing the County to direct funds as the County deems appropriate to other services they currently or may in the future fund that is not in the service area of the District. This is addressed in proposed Section 107002 relating to the jurisdiction of the District and section 107008 as described later:

107002 - "The jurisdiction of the District includes the cities of Oxnard, San Buenaventura (Ventura), Port Hueneme, Ojai and the unincorporated areas of the County of Ventura and other cities that subsequently qualify as members pursuant to

the requirements set forth in Section 107005.” Section 107005 relates to how potential new members may join the District.

Allocation of TDA funding per state law and the ability of local agencies to receive funding to cover locally operated service and facilities: It was brought up that, according to state law, in a county in which there is a transit district, all TDA funds would flow directly to that district to be reallocated as per formula. In Ventura County, these funds currently flow through the Ventura County Transportation Commission. Here, too, nonmembers were concerned that their funds would flow through the District. Also some GCT members voiced concerns regarding what they considered to be loss of local control over the funding needed for municipally operated transit services and facilities.

Staff developed language that would address this issue by ensuring that members in the District could claim funds through the District for support of their municipal transit operations as well as for operating and maintaining facilities such as the OTC, VTC and bus stops. Section 107008 now reads as:

“Notwithstanding section 99231 (a) of the California Public Utilities Code (Article 3 of the Transportation Development Act), all members of the District may also claim funds available in the local transportation fund apportioned to the District for transit services, including the operation of locally supported transit service and maintenance of the transit facilities not provided by the District that the member funds and/or operates.”

For current GCT members, this would apply to locally operated services such as the Ojai Trolley, the Oxnard Harbor and Beaches Dial-A-Ride, and the dial-a-rides in Santa Paula and Fillmore, as well as to the operation and maintenance of the OTC, VTC and bus stops throughout the GCT service area. It should be noted that at least one member agency – Ventura – has articulated the desire to have greater control over funding of locally-managed facilities and would like to see TDA funds be directly allocated to the individual jurisdiction for that purpose. As noted above, these funds currently flow to the VCTC and then are subvented to the cities and county on a population basis. To address Ventura’s request, the Public Utilities Code would need to be amended and it is not certain how this would impact TDA allocations statewide. Staff is not recommending the pursuit of this controversial amendment to state law.

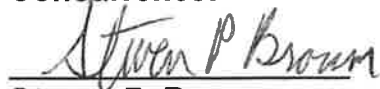
Next Steps: After the Board considers this update and provides additional input, staff will reach out again to all member and nonmember agencies. Staff has been invited to update the City Council of Ventura on January 14th, the City Council of Oxnard on January 15th, and the City Council of Port Hueneme on January 22nd. Staff is also seeking to update the County City Managers this month, if possible.

Staff has also provided members of our Technical Advisory Committee copies of the latest draft legislation so that their City Attorneys/County Counsel can be consulted on the replacement language.

Once the bill to create the Gold Coast Transit District is on its way through the legislative process in Sacramento, staff will work with the Board and our TAC members to draft by-laws to be adopted when the District is established.

Given that the deadline for submitting legislation for this year is January 31, 2013, staff is recommending that the Board of Directors adjourn to a special meeting to be held on Wednesday, January 23, 2013. At that meeting, the Board will consider any final input and make its decision regarding the final wording for the legislation.

Concurrence:



Steven P. Brown
General Manager

Attachment: Draft of GCT District legislation dated 12/18/12

Bill No. ____

GOLD COAST TRANSIT DISTRICT

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

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

PART 18 GOLD COAST TRANSIT DISTRICT

CHAPTER 1: GENERAL PROVISIONS

107000. Short Title

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

107001. Definitions

As used in this part, the following terms have the following meanings:

- (a) “Agency” means the Gold Coast Transit, a joint powers agency created pursuant to Government Code section 6500 *et seq.*
- (b) “Board of Directors” or “Board” means the Board of Directors of the Gold Coast Transit District.
- (c) “Board of Supervisors” means the Ventura County Board of Supervisors.
- (d) “County” means the County of Ventura.
- (e) “District” means the Gold Coast Transit District created by Section 107001 *et seq.*
- (f) “Member” means the County of Ventura, the cities of cities of Oxnard, San Buenaventura (Ventura), Port Hueneme, and Ojai, and any other city within the County of Ventura who joins as a member as set forth in this Act.

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(g) “Transit” means the transportation of passengers and their incidental baggage.

(h) “Transit facilities” means any and all real and personal property, easements, licenses, equipment, facilities, rights, title, or interests owned or acquired by the District for transit services and operation thereof.

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

CHAPTER 2: FORMATION OF DISTRICT

107002. There is hereby created the Gold Coast Transit District. The jurisdiction of the District includes the cities of Oxnard, San Buenaventura (Ventura), Port Hueneme and Ojai and the unincorporated areas of the County of Ventura and other cities that subsequently qualify as members pursuant to the requirements set forth in Section 107005.

107003. On and after July 1, 2014, the Agency is dissolved and the District succeeds to, and is vested with, all of the rights, powers, duties, and obligations of the Agency. The District is the successor to the Agency's assets, interests in any property, its rights and obligations under any contract, any outstanding indebtedness of the Agency, and its rights under any grants, without the necessity of any further action.

107004. The District shall assume the duties of public transit provider performed by the Agency. On and after July 1, 2014, the cities of Oxnard, San Buenaventura (Ventura), Port Hueneme, Ojai, the County of Ventura, and other jurisdictions that subsequently qualify as members pursuant to the requirements set forth in Section 107007 are included within the District.

107005. Any other city within the County of Ventura may join as a member of the District upon approval by its City Council of a Resolution approving the City's joining as a member and a Resolution of the District's Board approving the joining of the new member.

107006 If any portion of the unincorporated area of the County is annexed to a member city, that City shall assume the obligation of the County for that area. If any portion of the unincorporated area of the County becomes incorporated, that City shall assume the obligations of the County for that area.

107007. Upon dissolution of the Agency, employees of the agency shall be deemed to be employees of the District without any break in service or any loss or reduction of compensation or benefits, except as may be imposed by express action of the Board.

107008 Notwithstanding section 99231(a) of the California Public Utilities Code, all members of the District may also claim funds available in the local transportation fund

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apportioned to the District for transit services, including the operation of locally supported transit service and maintenance of the transit facilities not provided by the District that the member funds and/or operates.

CHAPTER 3: GOVERNMENT OF DISTRICT

107009. Board of Directors

(a) The District shall be governed by a Board composed of a minimum of five (5) Boardmembers, which may be expanded with the addition of new member cities but shall not exceed eleven (11) Boardmembers. One Boardmember shall be appointed by the governing body of each member. Each Boardmember shall serve at the pleasure of the Boardmember's appointing authority. Boardmembers appointed pursuant to the joint powers agreement, which is superseded by formation of the District shall continue to serve at the pleasure of the Boardmember's appointing authority. Each Boardmember shall at all time during the Boardmember's term be a member of the governing body of the member, which appointed the Boardmember.

(b) The governing body of each member shall also appoint an alternate Boardmember, who shall serve on the Board during the absence or disability of the member's regular Boardmember. The alternate Boardmember shall meet the same qualifications and shall serve upon the same conditions and for the same term as the regular Boardmember. Whenever the Boardmember serves on the Board, the alternate Boardmember shall have all the powers of a regular Boardmember.

(c) The Board may designate one or more ex-officio and/or at-large member(s) based on District adopted procedures.

(d) All actions of the Board shall be by majority vote on a one Boardmember, one vote formula with the exception of votes on the Annual Budget, Mid-Year Budget Changes and Amendments, and Capital Expenditures of \$5,000,000 or more. The vote for these specific issues shall be weighted, as set forth in subsection (e).

(e) A member shall be given the value and effect equal to a 1.0 vote to each member, whose population is under 100,000 and a 2.0 vote to each member, whose population is 100,000 or more. The annual California Department of Finance population (DOF) estimates shall be used with an updated formula presented to the Board annually at the first Board meeting after release of the DOF figures. The weighted vote of any single Boardmember shall not, of itself, be given the value or effect of a majority vote. A weighted vote may not be split by any Boardmember.

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

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- (g) The Board shall do all of the following:
- (1) Adopt an annual budget.
 - (2) Adopt an administrative code, by ordinance, which prescribes the powers and duties of the District officers, the method of appointment of the District employees, and the methods, procedures, and systems of operation and management of the District.
 - (3) Make determination of policy for the District.
 - (4) Adopt a Conflict of Interest Code.
 - (5) Cause a post-audit of the financial transactions and records of the District to be made at least annually by a certified public accountant.
 - (6) Make contracts and enter into stipulations of any nature whatsoever and do all acts necessary and convenient for the full exercise of the powers granted in this Act for the operation of the District and transit services.
 - (7) Create and administer funds of the District.
 - (8) The Board shall adopt priorities reflecting the District's goals.
 - (9) Do any and all things necessary to carry out the purposes of this Act.

CHAPTER 4: MEETINGS

1070010. The Board, at its first meeting, and thereafter annually at the meeting designated by the Board, shall elect a Chair, who shall preside at all meetings, and a Vice Chair, who shall preside in the absence of the Chair. In the event of Chair's or Vice-Chair's absence or inability to act, the members present provided a quorum exists, by an order entered into the minutes, shall select one of their members to act as Chair pro tempore, who, while so acting, shall have all the authority of the Chair.

107011. All meetings of the Board and any standing committees shall be conducted in a manner prescribed by the Ralph M. Brown Act, pursuant to Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code, provided State Mandated reimbursement is available..

107012. A majority of the Board or standing committee entitled to vote constitutes a quorum for the transaction of business. All official acts of the Board or standing subcommittee of the Board require the affirmative vote of a majority of the Board or committee members present.

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107013. The acts of the Board shall be expressed by motion, resolution, or ordinance.

CHAPTER 5: POWERS OF THE DISTRICT

107014. Powers

The District shall have the power to own, operate, manage and maintain a public transit system and associated facilities; and, in the exercise of the power under this Act, District is authorized in its own name to:

- (a) Adopt a seal and alter it at its pleasure;
- (b) Enact ordinances, resolutions, policies, and guidelines;
- (c) Employ agents and employees and contract for professional services;
- (d) Make and enter into contracts and enter into stipulations of any nature whatsoever and do all acts necessary and convenient for the full exercise of the powers granted in this Act for the operation of the District and transit services and facilities;
- (e) Acquire, convey, construct, manage, maintain and operate buildings and improvements, equipment and assets of the District;
- (f) Acquire, convey and dispose of real and personal property, easements, and licenses;
- (g) Adopt a Conflict of Interest Code;
- (h) Lease and sublease real and personal property, equipment and facilities;
- (i) Create and administer funds and the distribution of such funds;
- (j) Create and enact taxes, fees, fares and penalties, as permitted by law;
- (k) Advocate on behalf of the District;
- (l) Develop and pursue ballot measures;
- (m) Enforce criminally and/or civilly any and all ordinances, resolutions and policies, as permitted by law.
- (n) Create standing and ad hoc committees, as deemed necessary;

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(o) Incur and encumber debts, obligations and liabilities, including but not limited to bonds, notes, warrants, and others forms of indebtedness; provided, however, the debts, obligations and liabilities incurred by the District shall not be, nor shall they be deemed to be, debts, encumbrances, obligations or liabilities of any member;

(p) Invest money in the District treasury that is not needed for immediate necessities, as the Board determines advisable, in the same manner and upon the same conditions as other local entities in accordance with Section 53601 of the Government Code;

(q) Pursue collection of obligations owed to the District;

(r) Sue and be sued, except as otherwise provided by law in all actions and proceedings, in all courts and tribunals of competent jurisdiction;

(s) Exercise the right and power of eminent domain to take any property necessary or convenient to the exercise of the powers granted in this Act;

(t) Provide transportation services and/or facilities outside the District's jurisdictional boundaries provided a finding is made by the Board that such transportation services and/or facilities benefit the citizens or users of the transportation service or facilities, and

(u) Do and undertake any and all other acts reasonable and necessary to carry out the purpose of this Act.

107015. Transit Service

(a) The District shall provide, operate, manage and maintain a public transportation service serving and connecting the territories of the members. Within District's capabilities, as determined by the Board, service may also be provided to points outside the territories of the members, with the prior approval of the public entity having jurisdiction of the territory to be served. Within District's capabilities, expanded transportation services, routes and facilities may also be provided.

(b) District shall provide a standardized system of fares and a uniform system of transfers; provided, however, changes in fares and changes in routes shall be made only following a public hearing on the proposed change, with detailed notice to the governing bodies of the members and the public at least thirty (30) days prior to the proposed public hearing.

(1) Provided, however, that implementation of minor changes in routes and times, may be made without notice and hearing by the Board. Such minor changes may be implemented by the General Manager, without notice and hearing, under guidelines established by the Board.

(2) Provided, further, that in both cases, District has the equipment to make the minor changes in services without reduction of its existing services

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elsewhere and the changes do not result in additional costs to District or the members.

- (3) In the performance of its function District shall seek out and make maximum use of all available programs of assistance, may apply for and receive public and private grants that promote the operation of the District, and shall establish and maintain close liaison with federal, state and regional agencies.
- (4) District may either operate the transit system itself or a part thereof or it may contract with any other public or private agency or corporation to operate all or part of the transit system for the District or it may contract with any public or private agency or corporation for the improvement in transit services, facilities, equipment or operations being operated and conducted by said agency or corporation in, and, or, out of, the District.

107016. Budget and Audit

In the performance of its functions District shall:

- (a) Keep and maintain records and books of accounts in accordance with the Uniform System of Accounts and Records adopted by the State Controller pursuant to Section 99243 of the Public Utilities Code.
- (b) Provide for and submit to an annual independent audit of its total operations; a copy of each audit report shall be filed with the finance officer of each of the member agencies not later than 120 days following the close of each fiscal year.
- (c) Consider and, following a public hearing thereon, adopt an annual operating and capital expenditure budget and a five (5)-year capital expenditure program, which complies with the requirements of local, state, and federal laws.
- (d) Provide for insurance coverage of liability, operations and assets;
- (e) Provide for District employees retirement benefits under the program administered by the California Public Employees' Retirement System or other system permitted by law.
- (f) The District fiscal year shall be July 1 through June 30.
- (g) Notice of the time and place of a public hearing on the adoption of the annual budget shall be published pursuant to Section 6061 of the Government Code not less than fifteen (15) days prior to the day of the hearing. The proposed annual budget shall be available for public inspection at least fifteen (15) days prior to the hearing. Copies of the proposed annual

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budget and the capital expenditure program shall be submitted to the governing bodies of the member agencies for review and comment at least thirty (30) days prior to the date scheduled for public hearing and final adoption.

107017. Financing

(a) The District may, with the concurrence of a majority of the members cause to be submitted to voters of the District a ballot measure for the imposition of taxes.

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

(c) The Board may set fares for public transit service by resolution.

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

(e) The District is a local agency within the meaning of the Revenue Bond Law of 1941 (Chapter 6 [commencing with Section 54300] of Part 1 of Division 2 of Title 5 of the Government Code). The term "enterprise" as used in the Revenue Bond Law of 1941 shall, for all purposes of this part, includes transit facilities and any and all parts thereof and all additions, extensions, and improvements thereto and all other facilities authorized to be acquired, constructed, or completed by a District or, in the alternative, may issue revenue bonds under the Revenue Bond Law of 1941, for the acquisition, construction, and completion of any one of those facilities. Nothing in this article shall prevent the District from availing itself of, or making use of, any procedure provided in this part for the issuance of bonds of any type or character for any of the facilities or works authorized under this part, and all proceedings may be carried out simultaneously or in the alternative, as the directors may determine.

(f) The District may advocate on and act on behalf of all District members with their concurrence to further District's transit interests, funding, projects, and priorities.

(g) The District may promulgate a plan for funding transit projects and/or operations within its jurisdiction or as permitted in section 107014 (t).

107018. Compliance with Federal Standards

In the performance of its functions, the District shall comply with Title VI of the Civil Rights Act of 1964 (Public Law 88352) and all requirements imposed by the Federal Transit Administration. District's function shall be performed in accordance with Title VI of that act to

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the end that no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under District's operations.

107019. Personnel

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

(b) This District may contract with public or private entities in conformance with applicable procurement procedures for the procurement of engineering, project management, and contract management services.

(c) The Board shall fix the compensation of the District's officers and employees.

(d) The District may employ such employees and agents as the Board may deem necessary to carry out its powers and duties, including but not limited to a General Manager/Executive Officer and Legal Counsel. The General Manager and Legal Counsel shall be selected by, and shall serve at the pleasure of and upon the terms prescribed by, the Board.

107020. Bond Requirements

The General Manager, and every officer or person under the direction of the General Manager who handles, has access to, or has charge of any property of the District, shall provide and file with the General Manager of GCT, an official fidelity bond or insurance policy assuring to the District that person's performance. The Board shall determine and establish the penal sum of each official bond. Premiums charged for each bond required shall be paid by the District.

107021. Member Liability

The members, whether individually or collectively, do not assume, nor shall they be deemed to assume, liability for:

(a) Performing any and all things necessary to carry out the purposes of this Act. Any act of the District or for any act of District's agents or employees;

(b) The payment of wages, benefits or other compensation to officers, agents or employees of District; or

(c) The payment of workers' compensation or indemnity to agents or employees of District for injury or illness arising out of performance of this Agreement.

CHAPTER 6. CLAIMS

107022. Claims for money or damages

- (a) All claims for money or damages against the District are governed by Division 3.6 (commencing with Section 810) Title 1 of the Government Code, except as provided therein or by other statutes or regulations expressly applicable thereto.
- (b) Form and Procedure. No claim for money or damages shall be considered by the Board unless said claim conforms to the provision of section 910 *et seq.* of the Government Code and unless said claim is filed with the Clerk of the Board not less than five (5) days prior to the time of the meeting of the Board at which it is to be considered.
- (c) Special claims. Pursuant to section 935 of the Government Code, all claims against the District for money or damages which are excepted by section 905 of the Government Code from the provisions of Division 3.6 of the Government Code (section 810, *et seq.*), and which are not governed by any other statute or regulations expressly relating thereto, shall be governed by the procedures prescribed in this section.
 - (1) A signed written claim shall be presented to the District by mailing or delivering it to the Clerk of the Board by the claimant or by person acting on behalf of the Clerk of the Board. The claim shall conform to the requirements of section 910 of the Government Code or of a form provided by the District if such form is provided.
 - (2) Unless otherwise provided in this section the procedures of presentation, consideration and action upon all claims filed pursuant to this section shall be the same as the procedures provided and required by sections 910 through 915.2 of the government Code, and any amendment thereto as enacted, which provisions and section are hereby adopted as the requirements of this section. The presentation and action on claims provided herein shall be a prerequisite to suit thereon, and such suit shall be subject to the provisions of section 945.5 and 945.6 of the Government Code.

CHAPTER 7. DETACHMENT

107023.

- (a) Territory within the District may be detached from the District by a supermajority being 80% of the non-weighted vote of the existing Board.
- (b) The detachment of territory from the District shall become effective upon giving of the notice required in Section 57204 of the Government Code, provided that the detached territory shall not be relieved from liability for taxation for the payment of any bonded indebtedness existing at the time of detachment.

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(c) Notice of the detachment of territory from the district shall be given to each assessor whose roll is used for the tax levy made pursuant to this part and with the State Board of Equalization pursuant to Government Code Sections 54900 et seq.

CHAPTER 8. DISSOLUTION

107024. The District may be dissolved upon a supermajority being 80% of the non-weighted vote of the Board. However, the winding up of the District shall be conducted by the Board and the General Manager. The district shall not be fully dissolved and terminated until all debts, financial obligations and liabilities shall be paid in full and any and all remaining assets after payment of all debts, financial obligations and liabilities, shall be distributed to the members.

(a) If the members cannot agree as to the valuation of the property or to the manner of asset distribution, the distribution or valuation shall be made by three (3) arbitrators appointed as set forth below.

(b) One arbitrator each shall be appointed by the governing bodies of the Oxnard and San Buenaventura and one arbitrator by County of Ventura, Port Hueneme and Ojai and one arbitrator shall be selected by the other members. If no other members exist, the third arbitrator shall be selected by Presiding Judge of the Ventura County Superior Court.

(c) The arbitration shall be binding and shall be conducted pursuant to the Code of Civil Procedure section 1280 *et seq.* Any hearings shall be held within Ventura County, California. All notices, including noticed under Code of Civil Procedure section 1290.4 shall be given to the governing body of each member.