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AB-1089 Santa Cruz Metropolitan Transit District. (2019-2020)

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Assembly Bill No. 1089

CHAPTER 107

An act to amend Section 20291 of the Public Contract Code, and to amend Section 98104 of the Public Utilities Code, relating to transportation.

[Approved by Governor July 12, 2019. Filed with Secretary of State July 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1089, Mark Stone. Santa Cruz Metropolitan Transit District.

Existing law authorizes the formation of the Santa Cruz Metropolitan Transit District, with specified powers and duties related to the operation of public transit services serving the County of Santa Cruz. Existing law requires the district's purchases of supplies, equipment, and materials exceeding \$25,000, and construction of facilities and works exceeding \$10,000, to be by contract let to the lowest responsible bidder.

This bill would require the district's purchase of supplies, equipment, and materials exceeding \$50,000, instead of \$25,000, to be by contract let to either the lowest responsible bidder or to the responsible bidder that submits a proposal that provides the best value to the district. The bill would require the district to obtain a minimum of 3 quotations, as specified, for a procurement exceeding \$5,000 and, in the case of the purchase of supplies, equipment, or materials, not exceeding \$50,000 or, in the case of the construction of facilities and works, not exceeding \$10,000.

Under existing law, the district is governed by a board of directors who are appointed by specified legislative bodies. If the appointee of a legislative body is one of its own members, existing law authorizes the appointee to serve only as long as the appointee is a member of the legislative body.

This bill would authorize an appointee of a legislative body who was one of its own members to continue to serve until a qualified successor is appointed, unless the legislative body takes express action to unseat the appointee. The bill would require each member of the board to be reimbursed for the actual and necessary expenses incurred in the performance of the board member's duties, as determined by the board. The bill would prohibit a board member's reimbursement for attending a meeting from exceeding \$100, and would prohibit each member's reimbursements from exceeding \$400 in any month.

By expanding the duties of a local agency, this 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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 20291 of the Public Contract Code is amended to read:

20291. (a) The purchase of supplies, equipment, and materials, when the expenditure required exceeds fifty thousand dollars (\$50,000), shall be by contract let, in the district's discretion, either to the lowest responsible bidder or to the responsible bidder that submits a proposal that provides the best value to the district. "Best value" means the overall combination of quality, price, and other elements of a proposal that, when considered together, provide the greatest overall benefit relative to the requirements described in the solicitation documents.

(b) The construction of facilities and works, when the expenditure required exceeds ten thousand dollars (\$10,000), shall be by contract let to the lowest responsible bidder.

(c) The district shall obtain a minimum of three quotations, either written or oral, that permit the comparison of prices and terms in either of the following circumstances:

(1) In the case of the purchase of supplies, equipment, or materials, if the expected cost of procurement required exceeds five thousand dollars (\$5,000) and does not exceed fifty thousand dollars (\$50,000).

(2) In the case of the construction of facilities and works, if the expected cost of procurement required exceeds five thousand dollars (\$5,000) and does not exceed ten thousand dollars (\$10,000).

(d) Notice requesting bids shall be published at least once in a newspaper of general circulation, which publication shall be made at least 10 days before bids are received.

(e) The board may reject any and all bids and readvertise in its discretion.

SEC. 2. Section 98104 of the Public Utilities Code is amended to read:

98104. (a) Except as otherwise provided in this section, the term of office of each director shall be four years.

(b) For the board first appointed, at least one appointee of each legislative body shall have a two-year term.

(c) If the appointee of any legislative body is one of its own members and the appointee leaves the legislative body, the appointee may continue to serve as appointee until a qualified successor is appointed, unless the legislative body takes express action to unseat the appointee.

(d) An appointment to fill a vacancy on the board, or an appointment made after the expiration of the preceding term, shall be for the unexpired portion of the term.

(e) The failure of a board member to attend three consecutive meetings of the board without good cause shall create a vacancy in the office of the board member.

(f) Each member of the board shall be reimbursed for the actual and necessary expenses incurred in the performance of the board member's duties, including for attending each meeting of the board and each committee meeting, as determined by the board. A board member's reimbursement for attending a meeting shall not exceed one hundred dollars (\$100), and each member's reimbursements shall not exceed four hundred dollars (\$400) in any month.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.