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AB-1196 Sacramento Regional Transit District: board of directors: voting procedures. (2021-2022)

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Assembly Bill No. 1196

CHAPTER 272

An act to amend Sections 102100.3, 102100.6, and 102100.10 of, to add Section 102105.2 to, and to repeal Sections 102105.1 and 102206 of, the Public Utilities Code, relating to transportation.

[Approved by Governor September 23, 2021. Filed with Secretary of State September 23, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1196, Cooley. Sacramento Regional Transit District: board of directors: voting procedures.

Existing law authorizes the formation of the Sacramento Regional Transit District with various powers and duties with respect to transportation planning, programming, construction, and operations. Existing law vests the government of the district in a board of directors. Existing law prescribes a weighted voting procedure, based on a total of 100 votes, for board action. Existing law defines a quorum for the transaction of business at a noticed meeting as the presence of members eligible to cast a majority of the 100 votes. Existing law requires an affirmative vote of members casting a majority of the 100 votes for official acts of the board, as specified.

This bill would instead establish that each board member has one vote, that a majority of the members of the board constitutes a quorum, and that all official acts of the board require the affirmative vote of a majority of all the members of the board. The bill would require the board to post the new voting procedure on the district's internet website. The bill would also make conforming changes. By imposing new duties on the Sacramento Regional Transit District, the bill would create 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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

SECTION 1. The Legislature finds and declares all of the following:

(a) The Sacramento Regional Transit District is the regional public transportation provider in the capital of California, operating bus routes, including fixed-route, microtransit, and dial-a-ride services, light rail services, and paratransit services, all within a 400-square-mile service area throughout the County of Sacramento, which includes services in the Cities of Sacramento, Citrus Heights, Elk Grove, Folsom, and Rancho Cordova.

(b) The Sacramento Regional Transit District is committed to operating safe and reliable public transportation within its districtwide service area, ensuring geographic equity of investments.

(c) It is the goal of the Sacramento Regional Transit District to provide mobility solutions in various services, adapt to the changing needs of its customers, and meet the environmental, accessibility, and economic goals of the Sacramento region.

SEC. 2. Section 102100.3 of the Public Utilities Code is amended to read:

102100.3. The number of members of the board of directors shall be increased as follows:

(a) Each member entity shall be entitled to make one appointment to the board.

(b) A city or county that is not annexed to the district may become a participating entity that is entitled to make at least one appointment to the board if the participating entity enters into an agreement with the district that provides for all of the following:

(1) The participating entity agrees to pay its proportionate share of the district's cost to provide rail or other districtwide transit services.

(2) The district agrees to maintain a specified level of rail or other districtwide transit services.

(3) The district is not obligated to provide transit services to any particular location or along any particular route.

SEC. 3. Section 102100.6 of the Public Utilities Code is amended to read:

102100.6. An action by the board shall not be void or voidable if it is determined, subsequent to an action in which a member representing a participating entity casts a vote, that the agreement for that participating entity did not comply with subdivision (b) of Section 102100.3.

SEC. 4. Section 102100.10 of the Public Utilities Code is amended to read:

102100.10. Each voting entity appointing members to the board in accordance with Section 102100.2 or 102100.3 may also select, in the same manner as the primary member or members, one or more alternates, as the case may be, to serve on the board when the primary member or members are not available. Each alternate shall be appointed to serve for a specific member. The alternate shall be subject to the same restrictions and shall have the same powers, when serving on the board, as the primary member. The legislative body of any voting entity appointing an alternate shall provide written notification to the secretary of the board of each appointment of an alternate in order for the appointment to be effective.

SEC. 5. Section 102105.1 of the Public Utilities Code is repealed.

SEC. 6. Section 102105.2 is added to the Public Utilities Code, to read:

102105.2. (a) Each board member shall have one vote.

(b) A majority of the members of the board shall constitute a quorum.

(c) All official acts of the board shall require the affirmative vote of a majority of all the members of the board.

(d) The board shall post the voting procedure described in this section on the district's internet website.

SEC. 7. Section 102206 of the Public Utilities Code is repealed.

SEC. 8. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.