

1 AMENDED IN SENATE MARCH 25, 1992

2
3 AMENDED IN SENATE FEBRUARY 27, 1992

4
5 AMENDED IN SENATE FEBRUARY 11, 1992

15305

6
7 Introduced by Assembly Member Katz
8 December 18, 1990

10'93

9
10 An act to amend [Sections 82004 and 82037 of, and to add Section 87408]
11 [to, the Government Code, and to amend Section 99285] SECTIONS 99285 AND
12 130108 of, to add Sections 130050.2, 130051.9, 130051.10, 130051.11,
13 130051.12, 130051.13, 130051.14, 130051.15, 130051.16, 130051.17,
14 130051.18, 130051.19 [130051.20, and 130051.21] , AND 130051.20 to, to
15 repeal Section 30251 of, TO REPEAL CHAPTER 6 (COMMENCING WITH SECTION
16 30800) OF PART 3 OF DIVISION 10 OF, and to repeal and add Sections
17 130051, 130051.5, and 130051.6 of, the Public Utilities Code, relating to
18 transportation.

19
20 LEGISLATIVE COUNSEL'S DIGEST

21
22 AB 152, as amended, Katz. Transportation agencies: Los Angeles County.

23 (1) Existing law creates, prescribes the powers and duties of, and
24 specifies the governing bodies of, the Southern California Rapid Transit
25 District and the Los Angeles County Transportation Commission,
26 respectively.

27 This bill would abolish the district and the commission. The bill
28 would create the Los Angeles County Metropolitan Transportation Authority
29 as the successor to those agencies. The bill would prescribe the
30 membership of the governing body of the authority and would provide for
31 the authority to assume, over a specified period of time, the rights,
32 powers, duties, obligations, and responsibilities of the district and the
33 commission, and would prescribe additional powers and duties of the
34 authority. In so doing, the bill would impose a state-mandated local
35 program. Additionally, the bill would [make provisions of the Political]
36 [Reform Act of 1974 applicable to the authority] IMPOSE VARIOUS
37 REQUIREMENTS AND PROHIBITIONS APPLICABLE TO LOBBYISTS AND LOBBYIST
38 EMPLOYERS, AS DEFINED, AND WOULD REQUIRE THE AUTHORITY TO ADOPT AN
39 ORDINANCE, AS SPECIFIED, REGULATING THE MAKING OF GIFTS TO MEMBERS AND
40 DESIGNATED EMPLOYEES OF THE AUTHORITY.

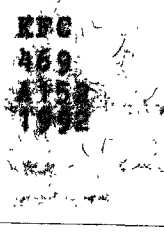
41 (2) [The Political Reform Act of 1974, an initiative measure,]
42 [provides that the Legislature may amend the act to further the act's]
43 [purposes with a vote of each house and compliance with specified]
44 [procedural requirements.]

45 [This bill, which would declare that it furthers the purposes of the]
46 [act, would therefore require a vote.]

47 (3) The California Constitution requires the state to reimburse local]
48 [agencies and school districts for certain costs mandated by the state.]
49 [Statutory provisions establish procedures for making that reimbursement,]
50 [including the creation of a State Mandates Claims Fund to pay the costs]

DELETED MATERIAL IS IN BRACKETS []. ADDED MATERIAL IS CAPITALIZED.

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1 [of mandates which do not exceed \$1,000,000 statewide and other]
2 [procedures for claims whose statewide costs exceed \$1,000,000.]
3 [This bill would provide that, if the Commission on State Mandates]
4 [determines that this bill contains costs mandated by the state,]
5 [reimbursement for those costs shall be made pursuant to those statutory]
6 [procedures and, if the statewide cost does not exceed \$1,000,000, shall]
7 [be made from the State Mandates Claims Fund.]]

8 THE CALIFORNIA CONSTITUTION REQUIRES THE STATE TO REIMBURSE LOCAL
9 AGENCIES AND SCHOOL DISTRICTS FOR
10 CERTAIN COSTS MANDATED BY THE STATE. STATUTORY PROVISIONS ESTABLISH
11 PROCEDURES FOR MAKING THAT REIMBURSEMENT.
12 THIS BILL WOULD PROVIDE THAT NO REIMBURSEMENT IS REQUIRED BY THIS ACT
13 FOR A SPECIFIED REASON.
14 Vote: [] MAJORITY. Appropriation: no. Fiscal committee: yes.
15 State-mandated local program: yes.

16
17 The people of the State of California do enact as follows:

18
19 SECTION 1. This act shall be known and may be cited as the Los Angeles
20 County Metropolitan Transportation Authority Reform Act of 1992.

21 SEC. 2. (a) It is the intent of the Legislature that the Los Angeles
22 County Metropolitan Transportation Authority be a unified comprehensive
23 institutional structure that ensures maximum accountability to the people
24 and that the authority succeed to the powers, duties, obligations,
25 liabilities, immunities, and exemptions of both the Los Angeles County
Transportation Commission and the Southern California Rapid Transit
District as provided in this act.

26 (b) It is the intent of the Legislature that nothing in this act
29 shall enlarge or diminish the statutory rights, duties, obligations, or
30 privileges of any labor organization. Further, it is the intent of the
31 Legislature that nothing in this act shall enlarge or diminish the
32 statutory rights, duties, obligations, or privileges of the Los Angeles
33 County Metropolitan Transportation Authority with respect to any affected
34 labor organization as a result of the authority's succession to the
35 Southern California Rapid Transit District and the Los Angeles County
36 Transportation Commission by virtue of this act. []

37 [SEC. 2.2. Section 82004 of the Government Code is amended to read:
38 [82004. (a) "Agency official" means any member, officer, employee or]
39 [consultant of any state agency who as part of his or her official]
40 [responsibilities participates in any administrative action in other than]
41 [a purely clerical, secretarial or ministerial capacity.]

42 [(b) "Agency official" also means any member of the governing body]
43 [of, or any member of the board of an organizational unit established by,]
44 [the Los Angeles County Metropolitan Transportation Authority, or any]
45 [officer, employee, or consultant of the authority who, as part of his or]
46 [her official responsibilities participates in any administrative action]
47 [in other than a purely clerical, secretarial, or ministerial capacity.]

48 [SEC. 2.4. Section 82037 of the Government Code is amended to read:
49 [82037. (a) "Legislative action" means the drafting, introduction,]
50 [consideration, modification, enactment or defeat of any bill,]

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1 [resolution, amendment, report, nomination or other matter by the
2 [Legislature or by either house or any committee, subcommittee, joint or
3 [select committee thereof, or by a member or employee of the Legislature
4 [acting in his official capacity. "Legislative action" also means the
5 [action of the Governor in approving or vetoing any bill.

6 [(b) "Legislative action" also means the drafting, introduction,
7 [consideration, modification, enactment, or defeat of an ordinance,
8 [resolution, contract, report, or nomination by the governing body of the
9 [Los Angeles County Metropolitan Transportation Commission, or by the
10 [board of an organizational unit established by the authority pursuant to
11 [Section 130051.11 of the Public Utilities Code, or any action taken, or
12 [required to be taken, by a vote of the members of the authority or by
13 [the members of the board of an organizational unit.

14 [SEC. 2.6. Section 87408 is added to the Government Code, to read:
15 [87408. No former member, former alternate member, or former member of
16 [the board of an organizational unit of the Los Angeles County
17 [Metropolitan Transportation Authority shall, and no former employee of
18 [the authority, for a period of one year after leaving employment, shall,
19 [for compensation, act as agent or attorney for, or otherwise represent,
20 [any other person, by making any formal or informal appearance, or by
21 [making any oral or written communication, before the authority, if the
22 [appearance or communication is made for the purpose of influencing
23 [administrative action, or influencing any action or proceeding involving
24 [the issuance, amendment, awarding, or revocation of a permit, license,
25 [grant, or contract, or the sale or purchase of goods or property.]

26 [SEC. 2.8. Section 30251 of the Public Utilities Code is repealed.

27 [SEC. 2.9. CHAPTER 6 (COMMENCING WITH SECTION 30800) OF PART 3 OF
28 [DIVISION 10 OF THE PUBLIC UTILITIES CODE IS REPEALED.

29 [SEC. 3. Section 99285 of the Public Utilities Code is amended to read:

30 [99285. (a) The county transportation commissions created pursuant to
31 [Division 12 (commencing with Section 130000) shall submit to the
32 [transportation planning agency those claims to be funded, and the
33 [transportation planning agency shall approve only those claims submitted.

34 [(b) Each commission shall adopt appropriate criteria by which claims
35 [shall be analyzed and evaluated, and shall approve only those claims
36 [which will provide for a coordinated public transportation system
37 [consistent with the adopted transportation improvement program and
38 [adopted regional transportation plan and which will not result in
39 [undesirable duplication of public transportation services.

40 [(c) In considering proposals, the Los Angeles County Metropolitan
41 [Transportation Authority shall consider, among other things, the fare
42 [revenue to operating cost ratio and the public transit service mileage of
43 [each operator in the [commission] AUTHORITY operating area, but under no
44 [circumstances shall the included municipal operators in existence [on]
45 [July 1, 1991] AND RECEIVING FORMULA ALLOCATION PROGRAM FUNDING ON JULY
46 [1, 1990, receive less than 15 percent of the funds [deposited in the]
47 [fund] ALLOCATED UNDER THAT PROGRAM FROM STATE AND FEDERAL FUNDING
48 [SOURCES.

49 [(d) Subdivision (c) shall only remain in effect until the Los Angeles
50 [County Metropolitan Transportation Authority has, following a public

1 hearing, adopted a formula for the allocation of funds available in the []
2 [commission] AUTHORITY operating area to the [commission] AUTHORITY
3 operator and eligible "included municipal operators" as defined in
4 subdivisions (a) and (d) of Section 99207.

5 The formula adopted by the Los Angeles County Metropolitan
6 Transportation Authority shall be the same as the formula in existence on
7 July 1, [1991] 1990, and shall remain in effect [until at least July 1,]
8 [1997. Prior to July 1, 1997, the commission] FOR AT LEAST FIVE FULL
9 FISCAL YEARS, COMMENCING WITH THE 1993|94 FISCAL YEAR. THE AUTHORITY
10 shall not reduce the total percentage share of revenues allocated during
11 the [1991|92] 1990|91 fiscal year to the included municipal operators,
12 as a whole, in existence on July 1, [1991] 1990, FOR AT LEAST FIVE
13 FULL FISCAL YEARS, COMMENCING WITH THE 1993|94 FISCAL YEAR. If a
14 municipal operator significantly reduces service, [the proportion] A
15 PROPORTIONAL SHARE of that operator's [fund] FUNDS ALLOCATED PURSUANT TO
16 THIS SECTION may be reallocated.

17 (e) [Until July 1, 1997] FOR A PERIOD OF AT LEAST FIVE FULL FISCAL
18 YEARS, COMMENCING WITH THE 1993|94 FISCAL YEAR, in the interest of
19 promoting efficiency, any INCLUDED municipal operator having operating
20 costs less than the regional bus system operated by the Los Angeles
21 County Metropolitan Transportation Authority shall be allocated not less
22 than the same proportion of available funds allocated to that operator on
23 July 1, [1991] 1990.

24 (f) (1) [After July 1, 1997] FOR THE 1998|99 AND SUBSEQUENT FISCAL
25 YEARS, a two-thirds vote of the members of the Los Angeles County
26 Metropolitan Transportation Authority shall be required in order to adopt
27 or modify the formula for allocation of funds available in the []
28 [commission] AUTHORITY operating area to the [commission] AUTHORITY
29 operator and included municipal operators as defined in subdivisions (a)
30 and (d) of Section 99207. Subdivision (c) shall be applicable if the
31 authority fails to adopt a formula.

32 (2) A two-thirds vote of the members shall be required in order to
33 establish or change the criteria for admitting new included municipal
34 operators for eligibility for funds allocated under Article 4 (commencing
35 with Section 99260).

36 (3) A two-thirds vote of the members shall be required, based on the
37 criteria in effect under paragraph (2), to allocate funds under Article 4
38 (commencing with Section 99260) to any "included municipal operator,"
39 as defined in subdivision (d) of Section 99207, which has not previously
40 received funds under this article.

41 (g) The Los Angeles County Metropolitan Transportation Authority
42 shall give equal consideration to the capital projects of all operators
43 in the county, and shall allocate available regional BUS transit capital
44 funds based on objective criteria adopted by a two-thirds vote of the []
45 [members, except that the commission may, by a majority vote of its]
46 [members, allocate funds for any rail capital outlay improvement.]
47 MEMBERS.

48 SEC. 4. Section 130050.2 is added to the Public Utilities Code, to
49 read:

50 130050.2. There is hereby created the Los Angeles County Metropolitan

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1 Transportation Authority. The authority shall be the single successor
2 agency to the Southern California Rapid Transit District and the Los
3 Angeles County Transportation Commission as provided by the act that
4 enacted this section.

5 SEC. 5. Section 130051 of the Public Utilities Code is repealed.

6 SEC. 6. Section 130051 is added to the Public Utilities Code, to read:
7 130051. The Los Angeles County Metropolitan Transportation Authority
8 consists of 14 members, as follows:

9 (a) Five members of the Los Angeles County Board of Supervisors.
10 The board of supervisors may appoint, as an alternate member to a
11 supervisor, a mayor or member of a city council of any city, other than
12 the City of Los Angeles, within Los Angeles County, or a member of the
13 public. If the number of members of the Los Angeles County Board of
14 Supervisors is increased, the authority shall, within 60 days of the
15 increase, submit a plan to the Legislature for revising the composition
16 of the authority.

17 (b) The Mayor of the City of Los Angeles or an alternate appointed by
18 the mayor.

19 (c) Two public members and one member of the City Council of the City
20 of Los Angeles appointed by the Mayor of the City of Los Angeles.

21 (d) Four members, each of whom shall be a mayor or a member of a city
22 council, appointed by the Los Angeles County City Selection Committee.
23 For purposes of the selection of these four members, the County of Los
24 Angeles, excluding the City of Los Angeles, shall be divided into the
25 following four sectors:

- 26 (1) The North County/San Fernando Valley sector;
- 27 (2) The Southwest Corridor sector;
- 28 (3) The San Gabriel Valley sector; and
- 29 (4) The Southeast Long Beach sector.

30 [The California League of Cities, Los Angeles Chapter,] THE LEAGUE OF
31 CALIFORNIA CITIES, LOS ANGELES COUNTY DIVISION, shall define the sectors.

32 Every city within a sector shall be entitled to vote to [select a]
33 [candidate] NOMINATE ONE OR MORE CANDIDATES from that sector for
34 CONSIDERATION FOR appointment by the Los Angeles County City Selection
35 Committee. A city's vote shall be weighted in the same proportion that
36 its population bears to the total population of all cities within the
37 sector.

38 THE MEMBERS APPOINTED PURSUANT TO THIS SUBDIVISION, AND THEIR
39 ALTERNATES, SHALL BE APPOINTED BY THE LOS ANGELES COUNTY CITY SELECTION
40 COMMITTEE UPON AN AFFIRMATIVE VOTE OF ITS MEMBERS WHICH REPRESENT A
41 MAJORITY OF THE POPULATION OF ALL CITIES WITHIN THE COUNTY, EXCLUDING THE
42 CITY OF LOS ANGELES.

43 The members selected by the city selection committee shall serve
44 four-year terms with no limitation on the number of terms that may be
45 served by any individual. The city selection committee may,
46 in its discretion, shorten the initial four-year term for one or more of
47 the members for the purpose of ensuring that the members will serve
48 staggered terms.

49 (e) If the population of the City of Los Angeles, at any time,
50 becomes less than 35 percent of the combined population of all cities in

1 the county, the position of one of the two public members appointed
2 pursuant to subdivision (c), as determined by the Mayor of the City of
3 Los Angeles by lot, shall be vacated, and the vacant position shall be
4 filled by appointment by the city selection committee pursuant to
5 subdivision (d) from a city not represented by any other member appointed
6 pursuant to subdivision (d).

7 (f) One nonvoting member appointed by the Governor.

8 SEC. 7. Section 130051.5 of the Public Utilities Code is repealed.

9 SEC. 8. Section 130051.5 is added to the Public Utilities Code, to
10 read:

11 130051.5. (a) The appointing authorities specified in subdivisions
12 (c) and (d) of Section 130051 may each appoint [an alternate member]
13 ALTERNATE MEMBERS to the Los Angeles County Metropolitan Transportation
14 Authority to represent, at a meeting of the authority, a regular member
15 it has appointed, but only if the regular member cannot attend the
16 meeting.

17 (b) For purposes of this section, an alternate member shall be:

18 (1) In the case of the member of the City Council of the City of Los
19 Angeles appointed by the Mayor of the City of Los Angeles, any person
20 appointed by the mayor with the consent of the city council. If the
21 alternate member is a member of the city council, consent of the city
22 council is not necessary. In the case of the two public members
23 appointed by the mayor, any persons appointed by the mayor.

24 (2) In the case of a member appointed by the Los Angeles County City
25 Selection Committee, the mayor or city council member of a city within
26 the county, other than the City of Los Angeles or a city represented by a
regular member.

27 (c) Any alternate member appointed to the Los Angeles County
28 Metropolitan Transportation Authority, including any appointed pursuant
29 to Section 130051, shall act for, and in the interests of, his or her
30 appointing authority.

31 (d) Except for alternate members appointed pursuant to subdivision
32 (d) of Section 130051, alternate members appointed to the Los Angeles
33 County Metropolitan Transportation Authority shall not vote on any matter
34 reserved to the authority exclusively pursuant to Section 130051.12.

35 SEC. 9. Section 130051.6 of the Public Utilities Code is repealed.

36 SEC. 10. Section 130051.6 is added to the Public Utilities Code, to
37 read:

38 130051.6. (a) Except as provided in subdivision (b), each member of
39 the Los Angeles County Metropolitan Transportation Authority shall serve
40 a term of four years or until his or her successor is appointed and
41 qualified. A member may be removed at the pleasure of the appointing
42 authority. A member may be reappointed for additional terms without
43 limitation on the number of reappointments. Other than the member
44 initially appointed by the Governor, and members appointed to staggered
45 terms pursuant to subdivision (e) of Section 130051, the members
46 initially appointed shall serve until January 1, 1997.

47 (b) The membership of any member serving on the authority as a result
48 of holding another public office shall terminate when the member ceases
49 holding the other public office.
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1 SEC. 11. Section 130051.9 is added to the Public Utilities Code, to
2 read:

3 130051.9. (a) The Los Angeles County Metropolitan Transportation
4 Authority shall appoint a full-time chief executive officer who shall act
5 for the authority under its [direction. The chief executive officer]
6 [shall have the powers and duties of the general manager of the Southern]
7 [California Rapid Transit District and the executive director of the Los]
8 [Angeles County Transportation Commission and shall manage and administer]
9 [the affairs of the Southern California Rapid Transit District, the Los]
10 [Angeles County Transportation Commission, the Los Angeles County]
11 [Metropolitan Transportation Authority, and any organizational units]
12 [created by the Los Angeles County Metropolitan Transportation]
13 [Authority.] DIRECTION AND PERFORM THOSE DUTIES DELEGATED BY THE
14 AUTHORITY.

15 (b) The Los Angeles County Metropolitan Transportation Authority []
16 [may] SHALL appoint a general counsel, inspector general, and board
17 secretary.

18 (c) THE INSPECTOR GENERAL SHALL, AT A NOTICED PUBLIC HEARING OF THE
19 AUTHORITY, REPORT QUARTERLY ON THE EXPENDITURES OF THE AUTHORITY FOR
20 TRAVEL, MEALS AND REFRESHMENTS, PRIVATE CLUB DUES, MEMBERSHIP FEES AND
21 OTHER CHARGES,
22 AND ANY OTHER EXPENDITURES WHICH ARE SPECIFIED BY THE AUTHORITY.

23 SEC. 12. Section 130051.10 is added to the Public Utilities Code, to
24 read:

25 130051.10. (a) The members of the Los Angeles County Metropolitan
26 Transportation Authority shall be appointed no later than February 1,
27 1993. The authority shall have no powers, duties, or responsibilities
28 until February 1, 1993.

29 (b) From February 1, 1993, until April 1, 1993, the Los Angeles
30 Metropolitan Transportation Authority, exclusively, may exercise any of
31 the powers of the board of directors of the Southern California Rapid
32 Transit District and the governing body of the Los Angeles County
33 Transportation Commission, except those powers that the authority has
34 expressly delegated to the district or to the commission. []

35 [(c) On April 1, 1993, the terms of office of members of the board of]
36 [directors of the Southern California Rapid Transit District and of the]
37 [governing body of the Los Angeles County Transportation Commission are]
38 [terminated and that board of directors and that governing body are]
39 [succeeded by the governing body of the Los Angeles Metropolitan
40 [Transportation Authority which may act on behalf of the district and the
41 [commission. However, the obligations,
42 [liabilities, and indebtedness, bonded and otherwise, of the Southern
43 [California Rapid Transit District and the Los Angeles County
44 [Transportation Commission shall remain with the respective agency until
45 [May 1, 1993, when the agency is abolished and succeeded by the Los
46 [Angeles County Metropolitan Transportation Authority pursuant to Section]
47 [130051.13.]

48 SEC. 13. Section 130051.11 is added to the Public Utilities Code, to
49 read:

50 130051.11. (a) The Los Angeles County Metropolitan Transportation

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1 Authority may determine its organizational structure, which may include,
2 but is not limited to, the establishment of departments, divisions,
3 subsidiary units, or similar entities. Any department, division,
4 subsidiary unit, or similar entity established by the authority shall be
5 referred to in this chapter as an "organizational unit." The authority
6 shall, at a minimum, establish the following organizational units:

7 (1) A transit construction organizational unit to assume the
8 construction responsibilities for all exclusive public mass transit
9 guideway construction projects in Los Angeles County.

10 (2) An operating organizational unit with the following
11 responsibilities:

12 (A) The operating responsibilities of the Southern California Rapid
13 Transit District on all exclusive public mass transit guideway projects
14 in the County of Los Angeles.

15 (B) The operation of bus routes operated by the Southern California
16 Rapid Transit District, and all the duties,
17 obligations, and liabilities of the district relating to those bus
18 routes.

19 (3) A transportation planning and programming organizational unit
20 with all planning responsibilities previously performed by the Southern
21 California Rapid Transit District and the Los Angeles County
22 Transportation Commission.

23 (b) Nothing in this section shall be construed to require specific
24 bus routes to be operated. The authority or the operating organizational
25 unit may make any adjustment with respect to bus routes, bus services, or
26 both, which is within the power of the Los Angeles County Transportation
27 Commission, or the Southern California Rapid Transit District.

28 (c) Any obligations of the Southern California Rapid Transit District
29 arising out of a collective bargaining agreement entered into by the
30 district shall be the exclusive obligations of the Los Angeles County
31 Metropolitan Transportation Authority. It is the intent of the
32 Legislature that the rights or obligations under any collective
33 bargaining agreement in existence on January 1, 1993, not be enlarged or
34 diminished by this section or any other provision of the act which added
35 this section.

36 (d) No collective bargaining agreement entered into by the Southern
37 California Rapid Transit District on or after January 1, 1993, shall be
38 effective unless approved by the Los Angeles County Metropolitan
39 Transportation Authority. The authority's approval of an agreement shall
40 cause the agreement to be binding upon the authority.

41 (e) On and after [May] APRIL 1, 1993, any reference to the Southern
42 California Rapid Transit District in Article 10 (commencing with Section
43 30750) of Chapter 5 of Part 3 of Division 10 is deemed to refer to the
44 Los Angeles County Metropolitan Transportation Authority.

45 (f) The Los Angeles County Metropolitan Transportation Authority may
46 administratively delegate to an organizational unit or to its chief
47 executive officer any powers and duties it deems appropriate. Powers and
48 duties which may be delegated to an organizational unit include, but are
49 not limited to, the following:

50 (1) The power of eminent domain.

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1 (2) Approval of contracts, except the final approval of labor
2 contracts.
3 (3) Hearing and resolving bid protests.
4 (G) THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
5 SHALL ESTABLISH A CITIZENS' ADVISORY COUNCIL PURSUANT TO SUBDIVISION (D)
6 OF SECTION 130105.
7 SEC. 14. Section 130051.12 is added to the Public Utilities Code, to
8 read:
9 130051.12. The Los Angeles County Metropolitan Transportation
10 Authority shall, at a minimum, reserve to itself exclusively, all of the
11 following powers and responsibilities:
12 (a) Establishment of overall goals and objectives.
13 (b) Adoption of the aggregate budget for all organizational units OF
14 THE AUTHORITY.
15 (c) Designation of additional included municipal operators PURSUANT
16 TO SUBDIVISION (F) OF SECTION 99285.
17 (d) Approval of final rail corridor selections.
18 (e) Final approval of labor contracts COVERING EMPLOYEES OF THE
19 AUTHORITY AND ORGANIZATIONAL UNITS OF THE AUTHORITY.
20 (f) Establishment of the authority's organizational structure.
21 (g) Conducting hearings and the setting of fares FOR THE OPERATING
22 ORGANIZATIONAL UNIT ESTABLISHED PURSUANT TO PARAGRAPH (2) OF SUBDIVISION
23 (A) OF SECTION 130051.11.
24 (h) Approval of transportation zones.
25 (i) Approval of the issuance of any debt instrument with a maturity
date that exceeds the end of the fiscal year in which it is issued.
26 (j) Approval of benefit assessment districts and assessment rates.
27 (k) Approval of contracts for construction and transit equipment
28 acquisition which exceed five million dollars (\$5,000,000), and making
29 the findings required by subdivision (c) of Section 130238.
30 SEC. 15. Section 130051.13 is added to the Public Utilities Code, to
31 read:
32 130051.13. On [May] APRIL 1, 1993, the Southern California Rapid
33 Transit District and the Los Angeles County Transportation Commission are
34 abolished. Upon the abolishment of the district and the commission, the
35 Los Angeles County Metropolitan Transportation Authority shall succeed to
36 any or all of the powers, duties, rights, obligations, liabilities,
37 indebtedness, bonded and otherwise, immunities, and exemptions of the
38 district and its board of directors and the commission and its governing
39 body.
40 SEC. 16. Section 130051.14 is added to the Public Utilities Code, to
41 read:
42 130051.14. On and after [May] APRIL 1, 1993, any reference in this
43 part, or in any other provision of law or regulation, to the Southern
44 California Rapid Transit District or to the Los Angeles County
45 Transportation Commission or to county transportation commission in
46 general shall be deemed to refer to the Los Angeles County Metropolitan
47 Transportation Authority.
48 SEC. 17. Section 130051.15 is added to the Public Utilities Code, to
49 read:
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1 130051.15. (a) Upon the abolishment of the Southern California Rapid
2 Transit District and the Los Angeles County Transportation Commission,
3 the Los Angeles County Metropolitan Transportation Authority shall assume
4 the rights and obligations of the district and the commission under any
5 contract to which the district or the commission is a party and which is
6 to be performed, in whole or in part, on or after January 1, 1993. All
7 real and personal property owned by the district or the commission shall
8 be transferred to the authority by operation of law.

9 (b) The Los Angeles County Metropolitan Transportation Authority
10 shall assume, without any condition whatsoever, all responsibilities and
11 obligations previously assumed by the Southern California Rapid Transit
12 District or the Los Angeles County Transportation Commission with regard
13 to the full funding agreement, including all agreements pursuant to
14 Section 13(c) of the Urban Mass Transportation Act of 1964 which relate
15 to the full funding agreement, with the Federal Transit Administration
16 for the funding of the Los Angeles County Metro Rail Project. It is the
17 intent of the Legislature that nothing
18 in this act shall enlarge or diminish the projects covered or any rights
19 or obligations under any existing agreements pursuant to Section 13(c).

20 (c) The Los Angeles County Metropolitan Transportation Authority
21 shall not [honor] , UNTIL APRIL 1, 1993, RENEW OR EXTEND any personal
22 services contract entered into between either the Los Angeles County
23 Transportation Commission or the Southern California Rapid Transit
24 District and an employee or former employee of either agency prior to
25 January 1, 1993.

SEC. 18. Section 130051.16 is added to the Public Utilities Code, to read:

26 130051.16. Notwithstanding any other provision of law, the Los Angeles
29 County Metropolitan Transportation Authority shall assume the duties,
30 obligations, and liabilities of the Southern California Rapid Transit
31 District, including those duties, obligations, and liabilities arising
32 from or relating to collective bargaining agreements or labor obligations
33 imposed by state or federal law, only to the extent that the authority is
34 acting pursuant to specific duties, obligations, liabilities, rights, or
35 powers to which it succeeded as a result of the abolishment of the
36 district pursuant to Section 130051.13.

37 SEC. 19. Section 130051.17 is added to the Public Utilities Code, to
38 read:

39 130051.17. (A) Prior to the approval of any contract by the []
40 [authority] LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY,
41 or by any organizational unit of the authority, the authority shall adopt
42 an ordinance comparable to Article 2 (commencing with Section 89504) of
43 Chapter 9.5 of Title 9 of the Government Code, which regulates the
44 acceptance of gifts by members of the authority, alternate members,
45 members of the board of an organizational unit, and designated employees
46 of the authority. The ordinance shall prohibit [members of the]
47 [authority, alternate members, members of the board of an organizational]
48 [unit of the authority, and any designated] ANY employee of the
49 authority[,] from accepting gifts with a total value of more than two
50 hundred fifty dollars (\$250) in a calendar year from any single source []

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1 [which represents a conflict of interest.] . []

2 [(a)]

3 (B) THE ORDINANCE SHALL REQUIRE THE LIMITATIONS ON RECEIVING GIFTS BY
4 MEMBERS OF THE AUTHORITY, ALTERNATE MEMBERS, AND MEMBERS OF THE BOARD OF
5 AN ORGANIZATIONAL UNIT WHO ARE NOT ELECTED LOCAL OFFICIALS TO BE
6 SUBSTANTIALLY COMPARABLE TO THOSE SPECIFIED BY CHAPTER 9.5 (COMMENCING
7 WITH SECTION 89500) OF TITLE 9 OF THE GOVERNMENT CODE.

8 (C) For the purposes of this section, "gift" shall have the same
9 meaning as in Section 82028 of the Government Code. []

10 [(b)]

11 (D) (1) Payments, advances, or reimbursements, for travel,
12 including actual transportation and related lodging and subsistence which
13 is reasonably related to a governmental purpose, or to an issue of local,
14 state, national or international public policy, is not prohibited or
15 limited by this section if either of the following apply:

16 (A) The travel is in connection with a speech given by a member,
17 alternate member, member of the board of an organizational unit, or
18 designated employee, the lodging and subsistence expenses are limited to
19 the day immediately preceding, the day of, and the day immediately
20 following the speech, and the travel is within the United States.

21 (B) The travel is provided by a government, a governmental agency, a
22 foreign government, a governmental authority, a bona fide public or
23 private educational institution, as defined in Section 203 of the Revenue
24 and Taxation
25 Code, or a nonprofit charitable or religious organization which is exempt
26 from taxation under Section 501(c)(3) of the Internal Revenue Code, or by
27 a person domiciled outside the United States which substantially
28 satisfies the requirements for tax exempt status under Section
29 501(c)(3) of the Internal Revenue Code.

30 (2) Gifts of travel not described in paragraph (1) are subject to the
31 limits in this section.

32 (3) Paragraph (1) applies only to travel which is reported on the
33 recipient's statement of economic interest.

34 (4) For purposes of this section, a gift does not include travel
35 which is provided by the Los Angeles County Metropolitan Transportation
36 Authority. []

37 [(5) (A) Violations of the policy by designated employees shall be]
38 [punishable by personnel action.]

39 [(B) The members of the authority, alternate members, and members of]
40 [the board of an organizational unit of the authority may be removed from]
41 [office for a violation of the policy.]

42 (5) (A) THE POLICY SHALL SPECIFY APPROPRIATE PENALTIES FOR
43 VIOLATIONS BY EMPLOYEES INCLUDING, BUT NOT LIMITED TO, PERSONNEL ACTION.

44 (B) THE POLICY SHALL SPECIFY APPROPRIATE PENALTIES FOR VIOLATIONS BY
45 MEMBERS OF THE AUTHORITY, ALTERNATE MEMBERS, AND THE MEMBERS OF THE BOARD
46 OF AN ORGANIZATIONAL UNIT WHO ARE NOT SUBJECT TO CHAPTER 9.5 (COMMENCING
47 WITH SECTION 89500) OF TITLE 9 OF THE GOVERNMENT CODE, WHICH SHALL
48 INCLUDE, BUT NOT BE LIMITED TO, REMOVAL FROM OFFICE BY THE APPOINTING
49 AUTHORITY.

50 SEC. 20. Section 130051.18 is added to the Public Utilities Code, to



1 read:
2 130051.18. (A) FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS ARE
3 DEFINED AS FOLLOWS:
4 (1) ``ACTIVITY EXPENSE`` MEANS ANY EXPENSE INCURRED OR PAYMENT MADE
5 BY A LOBBYIST, LOBBYING FIRM, OR LOBBYIST EMPLOYER, OR ARRANGED BY A
6 LOBBYIST, LOBBYING FIRM, OR LOBBYIST EMPLOYER, WHICH BENEFITS IN WHOLE OR
7 IN PART ANY AUTHORITY OFFICIAL, OR A MEMBER OF THE IMMEDIATE FAMILY OF AN
8 AUTHORITY OFFICIAL.
9 (2) ``AUTHORITY`` MEANS THE LOS ANGELES COUNTY METROPOLITAN
10 TRANSPORTATION AUTHORITY AND ALL OF ITS ORGANIZATIONAL UNITS AS DEFINED
11 BY SECTION 130051.11.
12 (3) ``AUTHORITY ACTION`` MEANS THE DRAFTING, INTRODUCTION,
13 CONSIDERATION, MODIFICATION, ENACTMENT, OR DEFEAT OF AN ORDINANCE,
14 RESOLUTION, CONTRACT, OR REPORT BY THE GOVERNING BOARD OF AN
15 ORGANIZATIONAL UNIT OF THE AUTHORITY, OR BY AN AGENCY OFFICIAL, INCLUDING
16 ANY ACTION TAKEN, OR REQUIRED TO BE TAKEN, BY A VOTE OF THE MEMBERS OF
17 THE AUTHORITY OR BY THE MEMBERS OF THE GOVERNING BOARD OF AN
18 ORGANIZATIONAL UNIT OF THE AUTHORITY, EXCEPT THOSE
19 ACTIONS RELATING TO ARTICLE 10 (COMMENCING WITH SECTION 30750) OF CHAPTER
20 5 OF PART 3 OF DIVISION 10.
21 (4) ``AUTHORITY OFFICIAL`` MEANS ANY MEMBER OF THE AUTHORITY,
22 ALTERNATE MEMBER, MEMBER OF AN ORGANIZATIONAL UNIT OF THE AUTHORITY, AND
23 EMPLOYEE OF THE AUTHORITY.
24 (5) ``CONTRIBUTION`` MEANS A PAYMENT, A FORGIVENESS OF A LOAN, A
25 PAYMENT OF A LOAN BY A THIRD PARTY, OR AN ENFORCEABLE PROMISE TO MAKE A
26 PAYMENT EXCEPT TO THE EXTENT THAT FULL AND ADEQUATE CONSIDERATION IS
27 RECEIVED UNLESS IT IS CLEAR FROM THE SURROUNDING CIRCUMSTANCES THAT IT IS
28 NOT MADE FOR POLITICAL PURPOSES. AN EXPENDITURE MADE AT THE BEHEST OF A
29 CANDIDATE, COMMITTEE, OR ELECTED OFFICER IS A CONTRIBUTION TO THE
30 CANDIDATE, COMMITTEE, OR ELECTED OFFICER UNLESS FULL AND ADEQUATE
31 CONSIDERATION IS RECEIVED FOR MAKING THE EXPENDITURE.
32 ``CONTRIBUTION`` ALSO INCLUDES THE PURCHASE OF TICKETS FOR EVENTS SUCH
33 AS DINNERS, LUNCHEONS, RALLIES, AND SIMILAR FUNDRAISING EVENTS; THE
34 CANDIDATE'S OWN MONEY OR PROPERTY USED ON BEHALF OF HIS OR HER CANDIDACY;
35 THE GRANTING OF DISCOUNTS OR REBATES NOT EXTENDED TO THE PUBLIC GENERALLY
36 OR THE GRANTING OF DISCOUNTS OR REBATES BY TELEVISION AND RADIO STATIONS
37 AND NEWSPAPERS NOT EXTENDED ON AN EQUAL BASIS TO ALL
38 CANDIDATES FOR THE SAME OFFICE; THE PAYMENT OF COMPENSATION BY ANY PERSON
39 FOR THE PERSONAL SERVICES OR EXPENSES OF ANY OTHER PERSON IF SUCH
40 SERVICES ARE RENDERED OR EXPENSES INCURRED ON BEHALF OF A CANDIDATE OR
41 COMMITTEE WITHOUT PAYMENT OF FULL AND ADEQUATE CONSIDERATION.
42 ``CONTRIBUTION`` ALSO INCLUDES ANY TRANSFER OF ANYTHING OF VALUE
43 RECEIVED BY A COMMITTEE FROM ANOTHER COMMITTEE, UNLESS FULL AND ADEQUATE
44 CONSIDERATION IS RECEIVED.
45 ``CONTRIBUTION`` DOES NOT INCLUDE AMOUNTS RECEIVED PURSUANT TO AN
46 ENFORCEABLE PROMISE TO THE EXTENT SUCH AMOUNTS HAVE BEEN PREVIOUSLY
47 REPORTED AS A CONTRIBUTION. HOWEVER, THE FACT THAT SUCH AMOUNTS HAVE
48 BEEN RECEIVED SHALL BE INDICATED IN THE APPROPRIATE CAMPAIGN STATEMENT.
49 ``CONTRIBUTION`` DOES NOT INCLUDE A PAYMENT MADE BY AN OCCUPANT OF A
50 HOME OR OFFICE FOR COSTS RELATED TO ANY MEETING OR FUNDRAISING EVENT HELD

1 IN THE OCCUPANT'S HOME OR OFFICE IF THE COSTS FOR THE MEETING OR
2 FUNDRAISING EVENT ARE FIVE HUNDRED DOLLARS (\$500) OR LESS.
3 'CONTRIBUTION' DOES NOT INCLUDE VOLUNTEER PERSONAL SERVICES OR
4 PAYMENTS MADE BY ANY INDIVIDUAL FOR HIS OR HER OWN TRAVEL EXPENSES IF
5 SUCH PAYMENTS ARE MADE VOLUNTARILY WITHOUT ANY UNDERSTANDING OR AGREEMENT
6 THAT THEY SHALL BE, DIRECTLY OR INDIRECTLY, REPAID
7 TO HIM OR HER.

8 (6) 'EMPLOYEE OF THE AUTHORITY' MEANS ANYONE WHO RECEIVES
9 COMPENSATION FROM THE AUTHORITY FOR FULL- OR PART-TIME EMPLOYMENT, AND
10 ANY CONTRACTOR, SUBCONTRACTOR, CONSULTANT, EXPERT, OR ADVISOR ACTING ON
11 BEHALF OF, OR PROVIDING ADVICE TO, THE AUTHORITY.

12 (7) 'FILING OFFICER' MEANS THE INDIVIDUAL DESIGNATED BY THE
13 AUTHORITY WITH WHOM STATEMENTS AND REPORTS REQUIRED BY THIS SECTION SHALL
14 BE FILED.

15 (8) 'LOBBYING' MEANS INFLUENCING OR ATTEMPTING TO INFLUENCE
16 AUTHORITY ACTION THROUGH DIRECT OR INDIRECT COMMUNICATION WITH AN
17 AUTHORITY OFFICIAL.

18 (9) 'LOBBYIST' MEANS ANY INDIVIDUAL WHO RECEIVES ANY ECONOMIC
19 CONSIDERATION, OTHER THAN REIMBURSEMENT FOR REASONABLE TRAVEL EXPENSES,
20 FOR LOBBYING, INCLUDING CONSULTANTS AND OFFICERS OR EMPLOYEES OF ANY
21 BUSINESS ENTITY SEEKING TO ENTER INTO A CONTRACT WITH THE AUTHORITY.

22 (10) 'LOBBYIST EMPLOYER' MEANS ANY PERSON, OTHER THAN A LOBBYING
23 FIRM, WHO DOES EITHER OF THE FOLLOWING:

24 (A) EMPLOYS ONE OR MORE LOBBYISTS FOR THE PURPOSE OF INFLUENCING
25 AUTHORITY ACTION.

(B) CONTRACTS FOR THE SERVICES OF A LOBBYING FIRM FOR ECONOMIC
CONSIDERATION FOR THE PURPOSE OF INFLUENCING
28 AUTHORITY ACTION.

29 (B) (1) LOBBYISTS AND LOBBYIST EMPLOYERS SHALL REGISTER WITH THE
30 FILING OFFICER WITHIN 10 DAYS AFTER QUALIFYING AS A LOBBYIST OR LOBBYIST
31 EMPLOYER. REGISTRATION SHALL BE COMPLETED PRIOR TO THE COMMENCEMENT OF
32 LOBBYING BY THE LOBBYIST. REGISTRATION SHALL INCLUDE THE FILING OF A
33 REGISTRATION STATEMENT, AND THE PAYMENT OF ANY FEES AUTHORIZED BY THIS
34 SECTION. REGISTRATION SHALL BE RENEWED ANNUALLY BY THE FILING OF A NEW
35 REGISTRATION STATEMENT AND THE PAYMENT OF A FEE.

36 (2) EACH LOBBYIST AND LOBBYIST EMPLOYER REQUIRED TO REGISTER UNDER
37 THIS SECTION MAY BE CHARGED A FEE BY THE AUTHORITY THAT SHALL BE IN AN
38 AMOUNT NECESSARY TO PAY THE DIRECT COSTS OF IMPLEMENTING THIS SECTION.

39 (3) THE LOBBYIST REGISTRATION STATEMENT SHALL INCLUDE ALL OF THE
40 FOLLOWING:

41 (A) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE LOBBYIST.

42 (B) FOR EACH PERSON FROM WHOM THE LOBBYIST RECEIVES COMPENSATION TO
43 PROVIDE LOBBYING SERVICES, ALL OF THE FOLLOWING:

44 (I) THE FULL NAME, BUSINESS ADDRESS, AND TELEPHONE NUMBER OF THE
45 PERSON.

46 (II) A WRITTEN AUTHORIZATION SIGNED BY THE PERSON.

47 (III) THE TIME PERIOD OF THE CONTRACT OR EMPLOYMENT AGREEMENT.

48 (IV) THE LOBBYING INTERESTS OF THE PERSON.

49 (C) A STATEMENT SIGNED BY THE LOBBYIST CERTIFYING THAT HE OR SHE HAS
50 READ AND UNDERSTANDS THE PROHIBITIONS CONTAINED IN SUBDIVISIONS (F) AND

- 1 (G).
2 (4) THE REGISTRATION STATEMENT OF A LOBBYIST EMPLOYER SHALL INCLUDE
3 ALL OF THE FOLLOWING:
4 (A) THE FULL NAME, BUSINESS ADDRESS, AND TELEPHONE NUMBER OF THE
5 LOBBYIST EMPLOYER.
6 (B) A LIST OF THE LOBBYISTS WHO ARE EMPLOYED BY THE LOBBYIST
7 EMPLOYER.
8 (C) THE LOBBYING INTERESTS OF THE LOBBYIST EMPLOYER, INCLUDING
9 IDENTIFICATION OF SPECIFIC CONTRACTS OR AUTHORITY ACTIONS.
10 (D) A STATEMENT SIGNED BY THE DESIGNATED RESPONSIBLE PERSON THAT HE
11 OR SHE HAS READ AND UNDERSTANDS THE PROHIBITIONS CONTAINED IN
12 SUBDIVISIONS (F) AND (G).
13 (5) (A) THE REGISTRATION STATEMENT MAY BE AMENDED WITHIN 10 DAYS OF
14 A CHANGE IN THE INFORMATION INCLUDED IN THE STATEMENT. HOWEVER, IF THE
15 CHANGE INCLUDES THE NAME OF A PERSON BY WHOM A LOBBYIST IS RETAINED, THE
16 REGISTRATION STATEMENT SHALL BE AMENDED TO SHOW THAT CHANGE PRIOR TO THE
17 COMMENCEMENT OF LOBBYING BY THE LOBBYING FIRM
18 OR THE LOBBYIST.
19 (B) LOBBYING FIRMS AND LOBBYIST EMPLOYERS UPON CEASING ALL LOBBYING
20 ACTIVITY WHICH REQUIRED REGISTRATION SHALL FILE A NOTICE OF TERMINATION
21 WITHIN 30 DAYS AFTER THE CESSATION.
22 (C) LOBBYISTS AND LOBBYIST FIRMS SHALL REMAIN SUBJECT TO SUBDIVISIONS
23 (F) AND (G) FOR 12 MONTHS AFTER FILING A NOTICE OF TERMINATION.
24 (C) LOBBYISTS AND LOBBYIST EMPLOYERS WHICH RECEIVE PAYMENTS, MAKE
25 PAYMENTS, OR INCUR EXPENSES OR EXPECT TO RECEIVE PAYMENTS, MAKE PAYMENTS,
OR INCUR EXPENSES IN CONNECTION WITH ACTIVITIES WHICH ARE REPORTABLE
PURSUANT TO THIS SECTION SHALL KEEP DETAILED ACCOUNTS, RECORDS, BILLS,
28 AND RECEIPTS, AND MAKE THEM REASONABLY AVAILABLE FOR INSPECTION.
29 (D) WHEN A PERSON IS REQUIRED TO REPORT ACTIVITY EXPENSES PURSUANT TO
30 THIS SECTION, ALL OF THE FOLLOWING INFORMATION SHALL BE PROVIDED:
31 (1) THE DATE AND AMOUNT OF EACH ACTIVITY EXPENSE.
32 (2) THE FULL NAME AND OFFICIAL POSITION, IF ANY, OF THE BENEFICIARY
33 OF EACH EXPENSE, A DESCRIPTION OF THE BENEFIT, AND THE AMOUNT OF THE
34 BENEFIT.
35 (3) THE FULL NAME OF THE PAYEE OF EACH EXPENSE IF OTHER THAN THE
36 BENEFICIARY.
37 (E) (1) A LOBBYIST SHALL COMPLETE AND VERIFY A PERIODIC REPORT, AND
38 FILE THE ORIGINAL OF HIS OR HER REPORT WITH THE FILING OFFICER WITHIN ONE
39 WEEK FOLLOWING THE END OF EACH CALENDAR QUARTER. THE PERIODIC REPORT
40 SHALL CONTAIN ALL OF THE FOLLOWING:
41 (A) A REPORT OF ALL ACTIVITY EXPENSES BY THE LOBBYIST DURING THE
42 REPORTING PERIOD.
43 (B) A REPORT OF ALL CONTRIBUTIONS OF ONE HUNDRED DOLLARS (\$100) OR
44 MORE MADE OR DELIVERED BY THE LOBBYIST TO ANY AGENCY OFFICIAL DURING THE
45 REPORTING PERIOD.
46 (2) A LOBBYIST EMPLOYER SHALL FILE A PERIODIC REPORT CONTAINING ALL
47 OF THE FOLLOWING:
48 (A) THE NAME, BUSINESS ADDRESS, AND TELEPHONE NUMBER OF THE LOBBYIST
49 EMPLOYER.
50 (B) THE TOTAL AMOUNT OF PAYMENTS TO EACH LOBBYING FIRM.

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- 1 (C) THE TOTAL AMOUNT OF ALL PAYMENTS TO LOBBYISTS EMPLOYED BY THE
- 2 FILER.
- 3 (D) A DESCRIPTION OF THE SPECIFIC LOBBYING INTERESTS OF THE FILER.
- 4 (E) A PERIODIC REPORT, COMPLETED AND VERIFIED BY EACH LOBBYIST
- 5 EMPLOYED BY A LOBBYIST EMPLOYER PURSUANT TO PARAGRAPH (1) OF SUBDIVISION
- 6 (E).
- 7 (F) EACH ACTIVITY EXPENSE OF THE FILER AND A TOTAL OF ALL ACTIVITY
- 8 EXPENSES OF THE FILER.
- 9 (G) THE DATE, AMOUNT, AND THE NAME OF THE RECIPIENT OF ANY
- 10 CONTRIBUTION OF ONE HUNDRED DOLLARS (\$100) OR MORE MADE BY THE FILER TO
- 11 AN AUTHORITY OFFICIAL.
- 12 (H) THE TOTAL OF ALL OTHER PAYMENTS TO INFLUENCE AUTHORITY ACTION.
- 13 (3) (A) THE PERIODIC REPORTS REQUIRED BY SUBDIVISION (E) SHALL BE
- 14 FILED DURING THE MONTH FOLLOWING EACH CALENDAR QUARTER. THE PERIOD
- 15 COVERED SHALL BE FROM THE BEGINNING OF THE CALENDAR YEAR THROUGH THE LAST
- 16 DAY OF THE CALENDAR QUARTER PRIOR TO THE MONTH DURING WHICH THE REPORT IS
- 17 FILED, EXCEPT THAT THE PERIOD COVERED BY THE FIRST REPORT A PERSON IS
- 18 REQUIRED TO FILE SHALL BEGIN WITH THE FIRST DAY OF THE CALENDAR QUARTER
- 19 IN WHICH THE FILER FIRST REGISTERED OR QUALIFIED.
- 20 (B) THE ORIGINAL AND ONE COPY OF EACH REPORT SHALL BE FILED WITH THE
- 21 FILING OFFICER, SHALL BE RETAINED BY THE AUTHORITY FOR A MINIMUM OF FOUR
- 22 YEARS, AND SHALL BE AVAILABLE FOR INSPECTION BY THE PUBLIC DURING REGULAR
- 23 WORKING HOURS.
- 24 (F) (1) IT IS UNLAWFUL FOR A LOBBYIST TO MAKE GIFTS TO AN AUTHORITY
- 25 OFFICIAL AGGREGATING MORE THAN TEN DOLLARS (\$10) IN A CALENDAR MONTH, OR
- 26 TO ACT AS AN AGENT OR INTERMEDIARY IN THE MAKING OF ANY GIFT, OR TO
- 27 ARRANGE FOR THE MAKING OF ANY GIFT BY ANY OTHER PERSON.
- 28 (2) IT IS UNLAWFUL FOR ANY AUTHORITY OFFICIAL KNOWINGLY TO RECEIVE
- 29 ANY GIFT WHICH IS MADE UNLAWFUL BY THIS SECTION. FOR THE PURPOSES OF
- 30 THIS SUBDIVISION, "GIFT" HAS THE SAME MEANING AS DEFINED IN SECTION
- 31 130051.17.
- 32 (G) NO LOBBYIST SHALL DO ANY OF THE FOLLOWING:
- 33 (1) DO ANYTHING WITH THE PURPOSE OF PLACING AN AUTHORITY OFFICIAL
- 34 UNDER PERSONAL OBLIGATION TO THE LOBBYIST, THE LOBBYING FIRM, OR THE
- 35 LOBBYIST'S OR THE FIRM'S EMPLOYER.
- 36 (2) DECEIVE OR ATTEMPT TO DECEIVE ANY AUTHORITY OFFICIAL WITH REGARD
- 37 TO ANY MATERIAL FACT PERTINENT TO ANY AUTHORITY ACTION.
- 38 (3) CAUSE OR INFLUENCE ANY AUTHORITY ACTION FOR THE PURPOSE OF
- 39 THEREAFTER BEING EMPLOYED TO SECURE ITS PASSAGE OR DEFEAT.
- 40 (4) ATTEMPT TO CREATE A FICTITIOUS APPEARANCE OF PUBLIC FAVOR OR
- 41 DISFAVOR OF ANY AUTHORITY ACTION, OR CAUSE ANY COMMUNICATIONS TO BE SENT
- 42 TO ANY AUTHORITY OFFICIAL IN THE NAME OF ANY FICTITIOUS PERSON OR IN THE
- 43 NAME OF ANY REAL PERSON, EXCEPT WITH THE CONSENT OF THAT REAL PERSON.
- 44 (5) REPRESENT FALSELY, EITHER DIRECTLY OR INDIRECTLY, THAT THE
- 45 LOBBYIST OR THE LOBBYING FIRM CAN CONTROL ANY AUTHORITY OFFICIAL.
- 46 (6) ACCEPT OR AGREE TO ACCEPT ANY PAYMENT THAT IS CONTINGENT UPON THE
- 47 OUTCOME OF ANY AUTHORITY ACTION.
- 48 (H) ANY PERSON WHO KNOWINGLY OR WILLFULLY VIOLATES ANY PROVISION OF
- 49 THIS SECTION IS GUILTY OF A MISDEMEANOR.
- 50 (I) THE DISTRICT ATTORNEY OF THE COUNTY OF LOS ANGELES IS RESPONSIBLE

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1 FOR THE PROSECUTION OF VIOLATIONS OF THIS SECTION.

2 (J) ANY PERSON WHO VIOLATES ANY PROVISIONS OF THIS SECTION IS LIABLE
3 IN A CIVIL ACTION BROUGHT BY THE CIVIL PROSECUTOR OR BY A PERSON RESIDING
4 WITHIN THE JURISDICTION OF THE AUTHORITY FOR AN AMOUNT UP TO FIVE HUNDRED
5 DOLLARS (\$500), OR THREE TIMES THE AMOUNT OF AN UNLAWFUL GIFT OR
6 EXPENDITURE, WHICHEVER IS GREATER.

7 (K) THE PROVISIONS OF THIS SECTION ARE NOT APPLICABLE TO ANY OF THE
8 FOLLOWING:

9 (1) AN ELECTED PUBLIC OFFICIAL WHO IS ACTING IN HIS OR HER OFFICIAL
10 CAPACITY TO INFLUENCE AUTHORITY ACTION.

11 (2) ANY NEWSPAPER OR OTHER PERIODICAL OF GENERAL CIRCULATION, BOOK
12 PUBLISHER, RADIO OR TELEVISION STATION
13 WHICH, IN THE ORDINARY COURSE OF BUSINESS, PUBLISHES OR BROADCASTS NEWS
14 ITEMS, EDITORIALS, OR OTHER DOCUMENTS, OR PAID ADVERTISEMENT, THAT
15 DIRECTLY OR INDIRECTLY URGES AUTHORITY ACTION, IF NEWSPAPER, PERIODICAL,
16 BOOK PUBLISHER, RADIO OR TELEVISION STATION ENGAGES IN NO FURTHER OR
17 OTHER ACTIVITIES IN CONNECTION WITH URGING AUTHORITY ACTION OTHER THAN TO
18 APPEAR BEFORE THE AUTHORITY IN SUPPORT OF, OR IN OPPOSITION TO THE
19 AUTHORITY ACTION.

20 (I) NO FORMER AUTHORITY OFFICIAL SHALL BECOME A LOBBYIST FOR A PERIOD
21 OF ONE YEAR AFTER LEAVING THE AUTHORITY.

22 SEC. 21. SECTION 130051.19 IS ADDED TO THE PUBLIC UTILITIES CODE, TO
23 READ:

24 130051.19. (a) The Los Angeles County Metropolitan Transportation
25 Authority shall adopt an affirmative action plan for its management
positions which reflects the ethnic demographics of the county, taking
into consideration the availability of the work force in the various
28 ethnic groups.

29 The authority shall, prior to the approval of any contract by the
30 authority or by its organization units, adopt and implement a
31 disadvantaged business enterprise program which establishes participation
32 goals of not less than 15 percent of the dollar value of all contracts by
33 minority business enterprises and not less than 5 percent by women
34 business enterprises.

35 (c) The authority shall establish a [Minority/Women Business]
36 [Enterprise] TRANSPORTATION BUSINESS Advisory Council to advise it on
37 matters regarding the disadvantaged business enterprise program to enable
38 the authority to meet or exceed women and minority business enterprise
39 participation goals. Members of the council shall be selected by the
40 authority, and shall include representatives of professional
41 organizations and other groups which advocate on behalf of greater
42 participation of women and minority business enterprises in
43 public contracts. The CHAIRPERSON OF THE AUTHORITY OR HIS OR HER
44 DESIGNEE SHALL MEET WITH THE COUNCIL, AND THE authority shall provide
45 adequate staff support for the council, and shall consider all
46 recommendations made by the council. []

47 [SEC. 21. Section 130051.19 is added to the Public Utilities Code, to]
48 [read:]

49 [130051.19.]

50 SEC. 22. SECTION 130051.20 IS ADDED TO THE PUBLIC UTILITIES CODE, TO

1 READ:
2 130051.20. (a) The Los Angeles County Metropolitan Transportation
3 Authority shall, prior to the award of any contract, adopt and implement
4 a policy for the procurement of transit equipment and materials,
5 including, but not limited to, transit rail cars, train control systems,
6 communications equipment, traction power equipment, fare collection
7 equipment, and buses[, which requires preferential consideration for
8 [contracts that include the participation of business enterprises located
9 [within California and Los Angeles County. The policy shall, at a
10 [minimum, require a percentage, as specified in subdivision (b), of the
11 [content of the transit equipment to be of
12 [California or Los Angeles County manufacture, as appropriate
13 [pursuant to subdivision (b), based on cost. A component shall be
14 [considered to meet the content requirement if at least 50 percent of its
15 [subcomponents are of California or Los Angeles County manufacture. The
16 [policy shall also require final assembly within California or Los
17 [Angeles County.
18 (b) The minimum required percentage of California or Los Angeles
19 County content shall be as follows:
20 (1) In the case of a project funded 50 percent or more with local
21 funds, the minimum required Los Angeles County content shall be 45
22 percent for contracts entered into prior to January 1, 1994, 60 percent
23 for contracts entered into between January 1, 1994, and December 31,
24 1995, and 75 percent for contracts entered into on and after January 1,
25 1996.
26 (2) In the case of a project funded with 50 percent or more state
27 funds, the minimum required California content shall be 45 percent for
28 contracts entered into prior to January 1, 1994, 60 percent for
29 contracts entered into between January 1, 1994, and December 31, 1995,
30 and 75 percent for contracts entered into on and after January 1, 1996.
31 (c) Until January 1, 1997, the authority may, by a two-thirds
32 vote of its members, waive the
33 policy adopted pursuant to subdivision (a) if it finds that the transit
34 equipment and materials are not manufactured or available within
35 California or Los Angeles County, as required by subdivision (b), and if
36 a resolution stating the facts supporting these findings is adopted,
37 following a public hearing.
38 (d) As used in this section, "manufacture," "component," and
39 "subcomponent" shall have the same meaning as is given those terms in
40 Part 661 of Title 49 of the Code of Federal Regulations.
41 (e) Any contract entered into with a foreign manufacturer shall
42 provide suitable personnel training and technology transfer
43 opportunities to domestic manufacturers.
44 (f) The authority may waive any requirement of this section which, if
45 applied, would make the authority ineligible for federal transportation
46 funding.] . THE ADOPTED POLICY SHALL REQUIRE THE AUTHORITY TO GIVE
47 PREFERENTIAL CONSIDERATION TO PROPOSALS THAT WOULD CREATE NEW PERMANENT
48 FULL-TIME JOBS WITHIN CALIFORNIA AND LOS ANGELES COUNTY.
49 (B) THE POLICY SHALL REQUIRE, AMONG OTHER THINGS, THAT, FOR THE
50 PURPOSES OF EVALUATING COMPETING BID PRICES PRIOR TO THE AWARD OF A

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1 CONTRACT, THE AUTHORITY SHALL REDUCE THE BID PRICE BY AN
2 AMOUNT WHICH IS EQUAL TO OR GREATER THAN THE ESTIMATED AMOUNT OF STATE
3 AND LOCAL TAXES THAT THE CONTRACTOR WILL PAY FOR EQUIPMENT, MATERIALS,
4 AND SERVICES, INCLUDING TAXES PAID BY EMPLOYERS ON BEHALF OF EMPLOYEES,
5 IN PERFORMING THE CONTRACT. THE REDUCTION IN BID PRICE SHALL ONLY BE FOR
6 THE PURPOSES OF EVALUATING THE BIDS, AND SHALL NOT REDUCE THE ACTUAL
7 AMOUNT OF ANY BID PRICE OR THE PRICE OF ANY CONTRACT.

8 (C) THE POLICY SHALL REQUIRE THE CONTRACTOR TO GUARANTEE THE PAYMENT
9 OF STATE AND LOCAL TAXES IN AN AMOUNT EQUAL TO THAT USED FOR THE PURPOSES
10 OF EVALUATING THE BID PRICE PURSUANT TO SUBDIVISION (B).

11 (D) THE POLICY MAY ALSO CONTAIN REQUIREMENTS EXTENDING PREFERENTIAL
12 CONSIDERATION TO BUSINESS ENTERPRISES LOCATED IN LOS ANGELES COUNTY AND
13 IN CALIFORNIA, INCLUDING, BUT NOT LIMITED TO, MANDATORY LOS ANGELES
14 COUNTY AND CALIFORNIA CONTENT.

15 (E) THE POLICY SHALL REQUIRE FINAL ASSEMBLY WITHIN LOS ANGELES
16 COUNTY.

17 (F) ANY CONTRACT ENTERED INTO WITH A FOREIGN MANUFACTURER SHALL
18 REQUIRE THAT MANUFACTURER TO PROVIDE SUBSTANTIAL PERSONNEL TRAINING AND
19 TECHNOLOGY TRANSFER OPPORTUNITIES TO DOMESTIC MANUFACTURERS AND PUBLIC
20 AGENCIES.

21 (G) THE AUTHORITY MAY WAIVE ANY REQUIREMENT OF THIS SECTION THAT, IF
22 APPLIED, WOULD MAKE THE AUTHORITY INELIGIBLE FOR
23 FEDERAL TRANSPORTATION FUNDS THAT WOULD OTHERWISE BE AVAILABLE FOR THAT
24 PROCUREMENT. [

25 [SEC. 22. The Legislature finds and declares that this act furthers the]
26 [purposes of the Political Reform Act of 1974 within the meaning of]
27 [subdivision (a) of Section 81012 of the Government Code.]

28 [SEC. 23. Section 2.7 of this act shall become operative on April 1,]
29 [1993. Sections 5 and 9 of this act shall become operative May 1, 1993.]

30 []
31 SEC. 23. SECTION 130108 OF THE PUBLIC UTILITIES CODE IS AMENDED TO
32 READ:

33 130108. (A) Each member of a commission may be compensated at a
34 rate not exceeding one hundred dollars (\$100) for any day attending to
35 the business of the commission, but not to exceed four hundred dollars
36 (\$400) in any month, and the necessary traveling and personal expenses
37 incurred in the performance of his duties as authorized by the
38 commission. MEMBERS OF THE LOS ANGELES COUNTY METROPOLITAN
39 TRANSPORTATION AUTHORITY SHALL BE COMPENSATED PURSUANT TO SUBDIVISION
40 (B).

41 (B) EACH MEMBER OF THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION
42 AUTHORITY SHALL BE COMPENSATED AT A RATE NOT EXCEEDING ONE HUNDRED AND
43 FIFTY DOLLARS (\$150) FOR ANY DAY ATTENDING TO THE BUSINESS OF
44 THE AUTHORITY, BUT NOT TO EXCEED SIX HUNDRED DOLLARS (\$600) PER MONTH,
45 AND OTHER EXPENSES WHICH ARE DIRECTLY RELATED TO THE PERFORMANCE OF
46 DUTIES AS AUTHORIZED BY THE AUTHORITY.

47 SEC. 24. SECTIONS 5 AND 9 OF THIS ACT SHALL BECOME OPERATIVE ON APRIL
48 1, 1993. []

49 [SEC. 24.]
50 SEC. 25. No reimbursement is required by this act pursuant to Section



1 6 of Article XIII B of the California Constitution because this act is in
2 accordance with the request of a local agency or school district which
3 desired legislative authority to carry out the program specified in this
4 act. Notwithstanding Section 17580 of the Government Code, unless
5 otherwise specified in this act, the provisions of this act shall become
6 operative on the same date that the act takes effect pursuant to the
7 California Constitution. []

8 [SEC. 25.]

9 SEC. 26. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE CONTROLLER
10 SHALL DEDUCT, FROM ANY STATE FUNDS ALLOCATED TO THE LOS ANGELES COUNTY
11 METROPOLITAN TRANSPORTATION AUTHORITY FOR TRANSPORTATION PURPOSES, THE
12 AMOUNT THE AUTHORITY WAS REIMBURSED BY THE STATE FOR
13 COSTS RESULTING FROM STATE MANDATES RESULTING FROM THIS ACT. THE
14 DEDUCTED STATE FUNDS SHALL BE TRANSFERRED TO THE UNAPPROPRIATED BALANCE
15 OF THE FUND FROM WHICH THEY WERE APPROPRIATED.

16 SEC. 27. If any provision of this act or the application thereof to
17 any person or circumstances is held invalid, that invalidity shall not
18 affect other provisions or applications of the act which can be given
19 effect without the invalid provision or application, and to this end the
20 provisions of this act are severable.

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Los Angeles County
Metropolitan Transportation

DUE DATE	DUE DATE
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JUN 2013	
JUN 24 2013	

