

MARIN COUNTY TRANSIT DISTRICT ACT

1964

Part 6
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Part 7

MARIN COUNTY TRANSIT DISTRICT

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*Part 7 was added by Stats.1964, 1st Ex.Sess., c. 92,
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Chapter 1
GENERAL PROVISIONS

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*Chapter 1 was added by Stats.1964, 1st Ex.Sess., c. 92,
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Article 1
DEFINITIONS

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70006. Transit works; transit facilities.

*Article 1 was added by Stats.1964, 1st Ex.Sess., c. 92,
p. —, § 1.*

§ 70000. Short title. This part shall be known and cited as the "Marin County Transit District Act of 1964." (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70001. Construction. Unless the context otherwise requires, the provisions of this article govern the construction of this part. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70002. District. "District" means the Marin County Transit District formed under this part. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Library references: Words and Phrases (Perm.Ed.)

§ 70003. Board. "Board" means the board of directors of this district. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Library references: Words and Phrases (Perm.Ed.)

§ 70004. Voter. "Voter" means any elector who is registered under the Elections Code. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Library references: Words and Phrases (Perm.Ed.)

§ 70005. Transit. "Transit" means the transportation of passengers only and their incidental baggage by means other than by chartered bus, sightseeing bus, or any other motor vehicle not on an individual passenger fare-paying basis. Nothing in this section shall be construed to prohibit the district from leasing its buses to private certified public carriers or to prohibit the district from providing school bus service for the transportation of pupils between their homes and schools. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Library references: Words and Phrases (Perm.Ed.)

§ 70006. Transit works; transit facilities. "Transit works" or "transit facilities" means all real and personal property, equipment,

rights, or interests owned or to be acquired by the district for transit service. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Library references: Words and Phrases (Perm.Ed.)

Article 2

GENERAL PROVISIONS

Sec.

- 70010. Necessity of transit system; purpose of district.
- 70011. Creation; exercise of powers.
- 70012. Elections; procedure.
- 70013. Publication of ordinances and notices.
- 70014. Facsimile signatures.

Article 2 was added by Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.

§ 70010. Necessity of transit system; purpose of district. It is necessary that a transit district be established in Marin County in order to provide an interim solution to the transit problem of this area pending inclusion of Marin County into the Bay Area Rapid Transit District. The problem is unique in that presently there are several existing transportation facilities serving various parts of the area but independently operated, without interchange of transportation services, and without possibility of merger. The geographic location of the area requiring transportation services makes it necessary to develop a single transit system to protect the public interest.

It shall be the ultimate purpose of the Marin County Transit District to establish, when financing therefor becomes feasible, a permanent rapid transit system designed to be part of a unified San Francisco Bay areawide regional system. When such permanent system is planned it shall incorporate physical characteristics necessary for full compatibility with the system of the San Francisco Bay Area Rapid Transit District, and unified management of the operations of such a bay areawide system shall be provided. Such unified management may be provided by management or operating contract with, or by annexation of the Marin County Transit District to, the San Francisco Bay Area Rapid Transit District or by any other lawful means; and shall take into full account the financial burdens already assumed by the citizens of the counties comprising the San Francisco Bay Area Rapid Transit District to establish its system, which should be recognized in the operation of the unified system. The share of such financial burdens to be as-

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SB 528 Keene
March 10, 1981

SECTION 1. Section 70010 of the Public Utilities Code is repealed.

SEC. 2. Section 70010 is added to the Public Utilities Code, to read:

70010. It shall be the purpose of the Marin County Transit District to develop, finance, organize, and provide local Marin County transit service in a manner consistent with an overall San Francisco Bay Area regional transit system.

~~sumed by the Marin County Transit District, determined by its board by agreement with the board of the San Francisco Bay Area Rapid Transit District to be in the best mutual interest of the citizens of the two districts, may be made payable out of bond proceeds (subject to authorization of the bonds at an election), tax levies or any other available funds and may be made payable at such times and upon such rate of interest and other terms as shall be agreed between the boards of the two districts. (Added Stats.1964, 1st Ex. Sess., c. 92, p. —, § 1.)~~

§ 70011. Creation; exercise of powers. The Marin County Transit District may be created as provided in this part and when so created may exercise the powers herein granted. (Added Stats. 1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70012. Elections; procedure. Except as otherwise provided in this part elections shall be held and conducted and the result ascertained, determined, and declared in all respects as nearly as practicable in conformity with the general election laws of the State. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70013. Publication of ordinances and notices. Except as otherwise provided in this part all ordinances and notices which are required to be published shall be published within the district pursuant to Section 6066 of the Government Code. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70014. Facsimile signatures. Whenever the signature of any officer or employee of a district or of any member of the retirement board or of any officer or employee of the retirement system is authorized or required under the provisions of this part, except in the single instance provided in Section 70243, the signature may be made by the use of a plate bearing facsimiles of such signatures. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Chapter 2

FORMATION OF DISTRICT

Article	Section
1. General Provisions	70020
2. Request by Resolution	70025
3. Request by Petition	70030
4. Election	70035
5. Establishment of the District	70050
6. Contest of Incorporation	70055

*Chapter 2 was added by Stats.1964, 1st Ex.Sess., c. 92,
p. —, § 1.*

Article 1

GENERAL PROVISIONS

Sec.
70020. Authority to incorporate; name of district.
70021. Request for formation; form.
70022. Territory.

*Article 1 was added by Stats.1964, 1st Ex.Sess., c. 92,
p. —, § 1.*

§ 70020. Authority to incorporate; name of district. The County of Marin may organize and incorporate as the Marin County Transit District. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70021. Request for formation; form. The request for the formation of the Marin County Transit District may be made by resolution or by petition as set out in this chapter. (Added Stats. 1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70022. Territory. The district may include incorporated or unincorporated territory within the County of Marin. (Added Stats. 1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Article 2

REQUEST BY RESOLUTION

Sec.

70025. Passage by board of supervisors.

70026. Contents.

Article 2 was added by Stats.1964, c. 92, p. —, § 1.

§ 70025. Passage by board of supervisors. The Board of Supervisors of the County of Marin may pass a resolution declaring that in its opinion public interest or necessity demands the creation and maintenance of the Marin County Transit District. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70026. Contents. The resolution may state the transit facilities proposed to be first acquired, but failure to acquire such transit facilities shall not affect the validity of the district. (Added Stats. 1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Article 3

REQUEST BY PETITION

Sec.

70030. Number of signatures.

70031. Contents.

70032. Form.

70033. Comparison of signatures; certification of sufficiency or insufficiency.

Article 3 was added by Stats.1964, c. 92, p. —, § 1.

§ 70030. Number of signatures. Instead of a resolution, a petition may be presented to the board of supervisors signed by voters within Marin County equal in number to at least 25 percent of the total vote cast at the last general election. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70031. Contents. The petition shall contain substantially the same declarations and statements required to be contained in the resolution adopted by the board of supervisors under this chapter and declare that, in the opinion of the petitioners, public interest or necessity demands the creation and maintenance of the transit district. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70032. Form. The petition may be on separate papers, but each paper shall contain the affidavit of the person who circulated it certifying that each name signed thereto is a true signature of the person whose name it purports to be. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70033. Comparison of signatures; certification of sufficiency or insufficiency. The County Clerk of the County of Marin shall compare the signatures to the petition with the affidavits of registration and certify to their sufficiency or insufficiency. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Article 4

ELECTION

Sec.

- 70035. Hearing.
- 70036. Exclusion of territory.
- 70037. Call of election.
- 70038. Notice of election.
- 70039. Contents of notice.
- 70040. Ballot.
- 70041. Voters.
- 70042. Consolidation.
- 70043. Canvass; time.
- 70044. Arrangements and costs.

Article 4 was added by Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.

§ 70035. Hearing. Upon adoption of the resolution or of a sufficient petition, the board of supervisors shall hold a hearing on the question of forming a Marin County Transit District. All interested persons shall be given an opportunity to express their views at the hearing. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70036. Exclusion of territory. The board of supervisors shall have the power to exclude areas which in the board's determination would not receive reasonable benefit from inclusion in the district. Incorporated areas shall not be divided but shall be as a whole either included or excluded from the district. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70037. Call of election. After the conclusion of the hearing, the board of supervisors shall in case of initiation by petition and may in case of initiation by resolution call an election within the proposed district for the purpose of determining whether the proposed district will be created and established. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70038. Notice of election. The board of supervisors shall publish notice of the election within the proposed district. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70039. Contents of notice. The notice shall state the name of the proposed district, and describe the boundaries thereof. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70040. Ballot. The ballot for the election shall contain such instructions as are required by law to be printed thereon and in addition thereto the following:

Shall the "Marin County Transit District" be created and established?	YES	
	NO	

(Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70041. Voters. No person shall be entitled to vote at the election unless he is a voter of the territory included in the proposed district. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70042. Consolidation. The election may be held on the same day as any other state, county, or city election, and be consolidated therewith. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70043. Canvass; time. The board of supervisors shall meet on the Tuesday next succeeding the day of the election and canvass the returns. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70044. Arrangements and costs. The board of supervisors shall make all provisions for the holding of the election throughout the district as proposed, and the cost of said election shall be a charge against the general funds of the county. (Added Stats.1964, 1st Ex. Sess., c. 92, p. —, § 1.)

Article 5

ESTABLISHMENT OF THE DISTRICT

Sec.

70050. Order declaring result; filing; effect.

*Article 5 was added by Stats.1964, 1st Ex.Sess., c. 92,
p. —, § 1.*

§ 70050. Order declaring result; filing; effect. If a majority of the electors voting on the proposition vote in favor of the creation and establishment of the district, the board of supervisors shall cause a certified copy of the order declaring the result of the election to be filed in the office of the Secretary of State, from and after which the establishment of the district shall be deemed complete. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Article 6

CONTEST OF INCORPORATION

Sec.

70055. Informalities; limitation on action to contest.

Article 6 was added by Stats.1964, c. 92, p. —, § 1.

§ 70055. Informalities; limitation on actions to contest. No informality in any proceeding or in the conduct of the election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the incorporation of the district. Any proceedings wherein the validity of incorporation is denied shall be commenced within three months from the date of filing the order declaring the result of the election with the Secretary of State, otherwise the incorporation and the legal existence of the district shall be held to be valid and in every respect legal and incontestable. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 40614

PUBLIC UTILITIES CODE

§ 40614. ~~Resolution declaring consolidation; filing copy~~

Upon receipt by the Southern California Rapid Transit District of a copy of the consolidation agreement properly executed by the district and Orange County the board of directors of the Southern California Rapid Transit District shall pass a resolution declaring the Orange County Transit District consolidated with the Southern California Rapid Transit District, and shall cause a certified copy of the resolution to be filed with the Secretary of State. From and after the date of filing of the resolution with the Secretary of State the consolidation of the Orange County Transit District with the Southern California Rapid Transit District is complete. (Added Stats.1965, c. 1899, p. 4408, § 1.)

§ 40615. Levy of taxes, tolls or charges

From and after the date of consolidation the board of directors of the Southern California Rapid Transit District shall levy upon all of the property in the former Orange County Transit District such taxes, tolls, or charges as are necessary to provide funds for the payment of the indebtedness assumed by the former district or otherwise necessary to comply with the terms and conditions of the consolidation agreement, all in addition to the general district taxes authorized elsewhere in Part 3 (commencing with Section 30000) of this division to be levied and collected. (Added Stats.1965, c. 1899, p. 4408, § 1.)

§ 40616. Validity of consolidation proceedings; contest; limitations

The validity of any consolidating proceedings shall not be contested in any action unless the action is brought within three (3) months after the completion of the proceedings. (Added Stats.1965, c. 1899, p. 4408, § 1.)

§ 40617. Effect of consolidation; property and assets not included in consolidation contract

Upon the completion of such consolidation procedure, the Orange County Transit District shall be deemed to be dissolved. Thereafter, all property and assets of the district which are not subject to the negotiated contract pertaining to consolidation shall be distributed to the County of Orange. (Added Stats.1965, c. 1899, p. 4408, § 1.)

PART 7. MARIN COUNTY TRANSIT DISTRICT

CHAPTER 3. INTERNAL ORGANIZATION OF DISTRICT

ARTICLE 1. GOVERNMENT

§ 70060. Board of supervisors; membership; officers

The governing body of the district shall consist of the members of the board of supervisors and two members, who shall be * * * a mayor or councilman of a city, selected by the city selection committee which selects the city members of the local agency formation commission in the county pursuant to Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5, of the Government Code. The chairman of the board of supervisors shall be the chairman of the board of directors of the district. The county auditor shall be ex officio auditor of the district, the county tax collector-treasurer shall be ex officio tax collector-treasurer of the district and the county clerk shall be the ex officio clerk of the district. (As amended Stats. 1965, c. 1956, p. 4484, § 1.)

Section 2 of Stats.1965, c. 1956, p. 4484, provided: "The city selection committee shall meet within 60 days after the effective date of this act for the purpose of making

the first appointments of the two members of the governing body of the Marin County Transit District added to the governing body by this act."

Underline indicates changes or additions by amendment

Chapter 3

INTERNAL ORGANIZATION OF DISTRICT

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2. Powers and Duties of Directors	70070
3. Meetings and Legislation	70085
4. Other Officers	70095

*Chapter 3 was added by Stats.1964, 1st Ex.Sess., c. 92,
p. —, § 1.*

Article 1

GOVERNMENT

Sec.

70060. Board of directors; officers.

*Article 1 was added by Stats.1964, 1st Ex.Sess., c. 92,
p. —, § 1.*

§ 70060. Board of directors; officers. The board of supervisors shall be ex officio the governing body of the district. The chairman of the board of supervisors shall be the chairman of the board of directors of the district. The county auditor shall be ex officio auditor of the district, the county tax collector-treasurer shall be ex officio tax collector-treasurer of the district and the county clerk shall be the ex officio clerk of the district. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Article 2

POWERS AND DUTIES OF DIRECTORS

Sec.

- 70070. Chairman.
- 70071. Meetings; rules of procedure.
- 70072. Vice chairman; other officers.
- 70073. Administration.
- 70074. Supervision and regulation of facilities
- 70075. Operation of system.
- 70076. Personnel system.
- 70077. Professional service.
- 70078. Annual audit.
- 70079. Manner of payment of demands.

*Article 2 was added by Stats.1964, 1st Ex.Sess., c. 92,
p. —, § 1.*

§ 70070. **Chairman.** The chairman is the presiding officer of the board and he shall vote on the propositions passed upon by the board. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70071. **Meetings; rules of procedure.** The first meeting of the board shall be held within 10 days after the board of supervisors certifies the results of the election to the Secretary of State pursuant to Section 70050. The board may make its own rules of procedure and determine the place and time of its meeting. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70072. **Vice chairman; other officers.** The board shall select one of its members vice chairman, who shall preside in the absence of its chairman. The board shall provide for and select such officers as it deems necessary to conduct the affairs of the district. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70073. **Administration.** All matters and things necessary for the proper administration of the affairs of the district which are not provided for in this part shall be provided for by the board. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70074. **Supervision and regulation of facilities.** The board shall supervise and regulate every transit facility owned and operated by the district, including the fixing of rates, rentals, charges and classifications, and the making and enforcement of rules, regulations, contracts, practices, and schedules, for or in connection with any transit facility owned or controlled by the district. (Added Stats. 1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70075. **Operation of system.** The board 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 other 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. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70076. **Personnel system.** Marin County Ordinance 617 (Merit System Ordinance) as amended or hereafter amended shall

be applicable to all personnel of the district, except to the extent the provisions of such ordinance are in conflict with the provisions of Chapter 4 (commencing with Section 70120) of this part. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70077. Professional service. The board may from time to time contract for or employ any professional service required by the district or for the performance of work or services which cannot satisfactorily be performed by the regular employees of the district. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70078. Annual audit. The auditor shall provide the board with an annual audit of all books and accounts of the district. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70079. Manner of payment of demands. Payment of demands against the district and disbursement of district funds shall be in the manner provided for demands against a county and disbursements of funds of a county. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Article 3

MEETINGS AND LEGISLATION

Sec.

70085. Conduct of meetings.

70086. Quorum.

70087. Rules of procedure; expenses of members.

70088. Motions, resolutions and ordinances; vote required.

70089. Ordinances; enacting clause; signature, attest.

*Article 3 was added by Stats.1964, 1st Ex.Sess., c. 92,
p. —, § 1.*

§ 70085. Conduct of meetings. All meetings of the board shall be conducted in a manner prescribed by the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950), Part 1, Division 2, Title 5 of the Government Code. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70086. Quorum. A majority of the board constitutes a quorum for the transaction of business. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70087. Rules of procedure; expenses of members. The board shall establish rules for its proceedings and board members shall be allowed necessary traveling and personal expenses incurred in performance of duties authorized by the board. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70088. Motions, resolutions and ordinances; vote required. The acts of the board shall be expressed by motion, resolution or ordinance. No ordinance, resolution or motion shall have any validity or effect unless passed by the affirmative votes of a majority of the directors. District ordinances shall be adopted in the same manner as provided for adoption of ordinances by a county. (Added Stats. 1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70089. Ordinances; enacting clause; signature; attest. The enacting clause of all ordinances shall be as follows: "Be it ordained by the board of directors of the Marin County Transit District." All ordinances shall be signed by the chairman or vice chairman of the board and attested by the clerk. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Article 4

OTHER OFFICERS

Sec.

70095. General manager; appointment; salary; scope of duties.

*Article 4 was added by Stats.1964, 1st Ex.Sess., c. 92,
p. —, § 1.*

§ 70095. General manager; appointment; salary; scope of duties. The board may appoint and fix the salary of a general manager who shall have full charge of the acquisition, construction, maintenance and operation of the facilities of the district, and also of the administration of the business affairs of the district. (Added Stats. 1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Chapter 4

LABOR PROVISIONS

Sec.

- 70120. Organization; collective bargaining; arbitration.
- 70121. Excluded labor organizations; discrimination.
- 70122. Questions of representation and appropriate bargaining units.
- 70123. Employees of acquired facilities; employment and pension rights.
- 70124. Employees displaced by acquisition of system.
- 70125. Wage deductions.
- 70126. Obligation of district to bargain collectively; wage deductions.
- 70127. Retirement system; adoption, terms and conditions.
- 70128. Coverage under Title II of Federal Social Security Act and related provisions.
- 70129. Coverage under state workmen's compensation, and unemployment disability and insurance laws.

Chapter 4 was added by Stats.1964, 1st Ex.Sess., c. 92,

p. —, § 1.

§ 70120. Organization; collective bargaining; arbitration. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection. It is declared to be in the public interest that the district shall not express any preference for one union over another. Notwithstanding any other provision of this part, whenever a majority of the employees employed by the district in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization, the district, upon determining as provided in Section 70122 that such labor organization represents the employees in the appropriate unit, shall enter into a written contract with the accredited representative of such employees governing wages, salaries, hours and working conditions. In case of a dispute over wages, salaries, hours or working conditions, which is not resolved by negotiations in good faith between the district and the labor organization, upon the request of either, the district and the labor organization may submit said dispute to the decision of the majority of an arbitration board, and the decision of the majority of such arbitration board shall be final. The arbitration board shall be composed of two representatives of the district, and two representatives of the labor organization, and they shall endeavor to agree upon the selection of the fifth member. If they are unable to agree, the names of five persons experienced in labor arbitration shall be obtained from the

Supervisor of Conciliation of the Division of Conciliation, Department of Industrial Relations. The labor organization and the district shall, alternately, strike a name from the list so supplied, and the name remaining after the labor organization and the district have stricken four names, shall be designated as the arbitrator. The labor organization and the district shall determine by lot who shall first strike from the list. The decision of a majority of the arbitration board shall be final and binding upon the parties thereto. The expenses of arbitration shall be borne equally by the parties. Each party shall bear his own costs.

In the event the board and the representatives of the employees do not agree to submit said dispute to an arbitration board as herein provided, the State Conciliation Service may be notified by either party that a dispute exists and that there is no agreement to arbitrate. Said service shall determine whether or not the dispute may be resolved by the parties and, if not, the issues concerning which the dispute exists; upon such determination the service shall certify its findings to the Governor of the State of California who shall, within 10 days of receipt of certification appoint a fact finding commission consisting of three persons which shall immediately convene and inquire into and investigate the issues involved in the dispute. Said commission shall report to the Governor within 30 days of the date of its creation.

After the creation of such commission and for 30 days after such commission has made its report to the Governor, no change, except by mutual agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose and service to the public shall be provided. (Added Stats.1964, 1st Ex. Sess., c. 92, p. —, § 1.)

Cross References

Collective bargaining, employees' right of, see 29 U.S.C.A. § 157.

§ 70121. Excluded labor organizations; discrimination. No contract or agreement shall be made with any labor organization, association, group, or individual, or be assumed under the provisions of this section, where such organization, association, group, or individual denies membership to or in any manner discriminates against any employee on the grounds of race, creed, color or sex; provided, that such organization may preclude from membership any individual who advocates the overthrow of the government by force or violence. The district shall not discriminate in regard to employment against any person because of his race, creed, or color. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70122. Questions of representation and appropriate bargaining units. If there is a question whether a labor organization represents a majority of employees or whether the proposed unit is or is not appropriate, such matters shall be submitted to the State Conciliation Service for disposition. The State Conciliation Service shall promptly hold a public hearing after due notice to all interested parties and shall thereupon determine the unit appropriate for the purposes of collective bargaining. In making such determination and in establishing rules and regulations governing petitions; the conduct of hearings and elections, the State Conciliation Service shall be guided by relevant federal law and administrative practice, developed under the Labor-Management Relations Act,¹ 1947, as presently amended.

The State Conciliation Service shall provide for an election to determine the question of representation and shall certify the results to the parties. Any certification of a labor organization to represent or act for the employees in any collective bargaining unit shall not be subject to challenge on the grounds that a new substantial question of representation within such collective bargaining unit exists until the lapse of one year from the date of certification or the expiration of any collective bargaining agreement, whichever is later; provided, that no collective bargaining agreement shall be construed to be a bar to representation proceedings for a period of more than two years. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

¹ 29 U.S.C.A. § 141 et seq.

§ 70123. Employees of acquired facilities; employment and pension rights. Whenever the district acquires existing facilities from a publicly or privately owned public utility, either in proceedings by eminent domain or otherwise, the district shall assume and observe all existing labor contracts. To the extent necessary for operation of facilities, all of the employees of such acquired public utility whose duties pertain to the facilities acquired shall be appointed to comparable positions in the district without examination, subject to all the rights and benefits of this part, and these employees shall be given sick leave, seniority, vacation and pension credits in accordance with the records and labor agreements of the acquired public utility. Members and beneficiaries of any pension or retirement system or other benefits established by that public utility shall continue to have the rights, privileges, benefits, obligations and status with respect to such established system. No employee of any acquired public utility shall suffer any worsening of his wages, seniority, pension, vacation or other benefits by reason of the acquisition.

The district may extend the benefits of this section to officers or supervisory employees of the acquired utility. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70124. Employees displaced by acquisition of system. The district shall not acquire any existing system or part thereof whether by purchase, lease, condemnation, or otherwise, nor shall the district dispose of or lease any transit system or part thereof, nor merge, consolidate or coordinate any transit system or part thereof, or reduce or limit the lines or service of any existing system or of its system, or terminate any lease arrangement or management contract, unless it shall first have made adequate provision for any employees who are or may be displaced. The terms and conditions of such provision shall be a proper subject of collective bargaining. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70125. Wage deductions. Notwithstanding the provisions of the Government Code, employees of this district may authorize and, upon such authorization, the district may make deductions from wages and salaries of such employees:

(1) Pursuant to a collective bargaining agreement with a duly designated or certified labor organization for the payment of union dues, fees, or assessments.

(2) For the payment of contributions pursuant to any health and welfare plan or pension or retirement plan.

(3) For any purpose for which deductions may be authorized by employees of any private employer. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70126. Obligation of district to bargain collectively; wage deductions. The obligation of the district to bargain in good faith with a duly designated or certified labor organization and to execute a written collective bargaining agreement with such labor organization covering the wages, hours and working conditions of the employees represented by such labor organization in an appropriate unit, and to comply with the terms thereof shall not be limited or restricted by the provisions of the Government Code or other laws or statutes and the obligation of the district to bargain collectively shall extend to all subjects of collective bargaining which are or may be proper subjects of collective bargaining with a private employer, including retroactive provisions. Notwithstanding the provisions of the Government Code or other laws or statutes, the district shall make deductions from wages and salaries of its employees upon receipt of authorization therefor for the payment of union dues, fees or assessments, for the payment of contributions pursuant to any health and welfare plan or pension plan or for any other purpose for which deductions may be authorized by employees of any private employer, where such deductions are pursuant to a collective bargaining agreement with a duly

designated or certified labor organization. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Cross References

Collective bargaining, employers' duty of, see 29 U.S.C.A. § 158.

§ 70127. Retirement system; adoption, terms and conditions. The district may provide for a retirement system; provided, that the adoption, terms and conditions of any retirement system covering employees of the district represented by a labor organization in accordance with this section shall be pursuant to a collective bargaining agreement between such labor organization and the district. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70128. Coverage under Title II of Federal Social Security Act and related provisions. The district shall take such steps as may be necessary to obtain coverage for the district and its employees under Title II of the Federal Social Security Act,¹ as amended, and the related provisions of the Federal Insurance Contributions Act,² as amended. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

¹ 42 U.S.C.A. § 301 et seq.

² 26 U.S.C.A. § 3101 et seq.

§ 70129. Coverage under state workmen's compensation, and unemployment disability and insurance laws. The district shall take such steps as may be necessary to obtain coverage for the district and its employees under the Workmen's Compensation,¹ Unemployment Compensation Disability² and Unemployment Insurance Laws³ of the State of California. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

¹ Insurance Code, § 11650 et seq., Labor Code, § 3201 et seq.

² Unemployment Insurance Code, § 2601 et seq.

³ Unemployment Insurance Code, § 100 et seq.

Chapter 5

RETIREMENT SYSTEM

Sec.

70130. System and laws applicable.

Chapter 5 was added by Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.

§ 70130. System and laws applicable. The Marin County Employees Retirement System and the laws relating thereto or as hereafter amended shall be applicable to the officers and employees of the district, except as otherwise provided in Chapter 4 (commencing with Section 70120) of this part. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Chapter 6

POWERS AND FUNCTIONS OF DISTRICT

Article	Section
1. Corporate Power	70160
2. Contracts	70165
3. Purchases	70170
4. Property	70175
5. Transit Facilities and Service	70180
6. Indebtedness	70200
7. Taxation	70210

Chapter 6 was added by Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.

Article 1

CORPORATE POWER

- Sec.
 70160. Perpetual succession; seal.
 70161. Actions.
 70162. Eminent domain.

Article 1 was added by Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.

§ 70160. Perpetual succession; seal. The district has perpetual succession and may adopt a seal and alter it at pleasure. (Added Stats. 1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70161. Actions. The district may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction. (Added Stats.1964, 1st Ex. Sess., c. 92, p. —, § 1.)

§ 70162. Eminent domain. The district shall have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property within the boundaries of the district for public use. The district may take any property necessary or convenient to the exercise of the powers granted in this part whether the property is already devoted to the same use or otherwise. In the proceedings, venue, and trial relative to the exercise of the right, the district has all the rights, powers and privileges of a county and all rights, powers and privileges conferred in this part. The district shall proceed in the name of the district in condemnation proceedings. The

district in exercising such power shall, in addition to the damage for the taking, injury or destruction of property, also pay the cost of removal, reconstruction or relocation of any structure, railway, mains, pipes, conduits, cables or poles of any public utility which is required to be moved to a new location. Notwithstanding any other provision of this part or any other law, no property in public use shall be taken by the district except upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated. (Added Stats.1964, 1st Ex. Sess., c. 92, p. —, § 1.)

Cross References

Eminent domain generally, see Code Civil Procedure, § 1237 et seq.

Article 2

CONTRACTS

Sec.

70165. Power to contract.

70166. Conflict of interests.

Article 2 was added by Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.

§ 70165. Power to contract. The district may make contracts and enter into stipulations of any nature whatsoever, either in connection with eminent domain proceedings or otherwise, including, without limiting the generality of the foregoing, contracts and stipulations to indemnify and save harmless, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers granted in this part. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70166. Conflict of interests. No officer or employee of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom contrary to the provisions of Article 4 (commencing with Section 1090), Chapter 1, Division 4, Title 1 of the Government Code. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Article 3

PURCHASES

Sec.

70170. Manner and procedure; law applicable.

Article 3 was added by Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.

§ 70170. Manner and procedure; law applicable. The purchase of all supplies, equipment and materials, and construction of facilities and works, shall be done in the same manner, procedure and subject to the same limitations applicable to the County of Marin by state law and by county ordinance, and as the same may hereafter be amended. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Article 4

PROPERTY

Sec.

70175. Acquisition; enjoyment; disposal.

70176. Exercise of powers, manner and procedure; law applicable.

Article 4 was added by Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.

§ 70175. Acquisition; enjoyment; disposal. The district may take by grant, purchase, gift, devise or lease, or condemn in proceedings under eminent domain, or otherwise acquire, and hold and enjoy, real and personal property of every kind within or without the district necessary to the full or convenient exercise of its powers. The board may lease, mortgage, sell, or otherwise dispose of any real or personal property within or without the district when in its judgment it is for the best interests of the district so to do. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70176. Exercise of powers; manner and procedure; law applicable. Exercise of the powers provided under Section 70175 shall be undertaken in the same manner and pursuant to the same procedures as in the exercise of like powers by the County of Marin, except as may otherwise be expressly provided in this part. (Added Stats. 1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Article 5

TRANSIT FACILITIES AND SERVICE

Sec.

70180. Power to acquire, operate and control.

70181. Contributions; cooperation with public bodies.

70182. Blank.

70183. Lease or contract for private operation.

70184. Works.

70185. Joint use agreements.

70186. Rates and charges; reasonableness.

70187. Operation of buses; law governing.

Article 5 was added by Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.

§ 70180. Power to acquire, operate and control. The district may acquire, construct, own, operate, control or use rights-of-way, rail lines, buslines, stations, platforms, switches, yards, terminals and any and all other facilities necessary or convenient for transit service within or partly without the district underground, upon or above the ground and under, upon or over public streets or other public ways, or waterways, together with all physical structures necessary or convenient for the access of persons or vehicles thereto and may acquire any interest in or rights to the joint use of any or all of the foregoing; provided that:

(a) Installations in state freeways shall be subject to the approval of the State Department of Public Works and installations in other state highways shall be subject to Article 2 (commencing with Section 670), Chapter 3, Division 1 of the Streets and Highways Code.

(b) Installations in city streets, parks, or other property devoted to municipal use, shall be subject to the approval of the city council having jurisdiction thereof.

The district may acquire, contract and negotiate for the services of any and all employees of any public or private agency or corporation operating transit facilities within the district. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70181. Contributions; cooperation with public bodies. The district may without limitation by any other provisions of this part requiring approval of indebtedness, accept contributions of money, rights-of-way, labor, materials, and any other property for the acquisition, construction, maintenance, and operation of transit facilities, and may without limitation by any other provisions of this part enter into any contracts and cooperation with and accept cooperation from the State, or any department, instrumentality, or agency thereof, or any public agency in the acquisition, construction, maintenance, and operation of, and in financing the acquisition, construction, maintenance, and operation of, any such transit facilities. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70182. Blank

§ 70183. Lease or contract for private operation. The district may lease or contract for the use of its transit facilities, or any portion thereof, to any operator, and may provide for subleases by such operator upon such terms and conditions as it deems in the public interest. The word "operator" as used in this section means any city or public

agency or any person, firm or private corporation. (Added Stats. 1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70184. Works. The district may construct and operate or acquire and operate works and facilities in, under, upon, over, across, or along any street or public highway or any stream, bay or watercourse, or over any of the lands which are the property of the State, to the same extent that such rights and privileges appertaining thereto are granted to municipalities within the State, and to install adequate bus stops, including the painting of curbs, subject to the governing body in charge of such streets, highways, stream, watercourse or lands. (Added Stats. 1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70185. Joint use agreements. The district may enter into agreements for the joint use of any property and rights by the district and any city, public agency or public utility operating transit facilities; may enter into agreements with any city, public agency or public utility operating any transit facilities, either wholly or partially within, or without, the district, for the joint use of any property of the district or of such city, public agency or public utility, or the establishment of through routes, joint fares, transfer of passengers or pooling arrangements. (Added Stats. 1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70186. Rates and charges; reasonableness. The rates and charges for service furnished pursuant to this part shall be fixed by the board and shall be reasonable. (Added Stats. 1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70187. Operation of buses; law governing. The district shall be subject to the provisions of Division 14.8 (commencing with Section 34500) of the Vehicle Code with respect to the operation of buses and to the rules and regulations prescribed by the Department of the California Highway Patrol pursuant to that chapter regulating the safe operation of buses. (Added Stats. 1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Article 6

INDEBTEDNESS

Sec.

70200. Temporary transfers of funds.

70201. Acceptance of public aid.

Article 6 was added by Stats. 1964, 1st Ex.Sess., c. 92, p. —, § 1.

§ 70200. Temporary transfers of funds. The district shall have the power to obtain temporary transfers of funds in accordance with the last paragraph of Section 31, Article IV of the State Constitution. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70201. Acceptance of public aid. The district may accept, without limitation by any other provisions of this part requiring approval of indebtedness, contributions or loans from the United States, this State, or any department, instrumentality, or agency of either thereof, for the purpose of financing the acquisition, construction, maintenance, and operation of transit facilities, and may enter into contracts and cooperate with, and accept cooperation from, the United States, this State, or any department, instrumentality, or agency of either thereof, in the acquisition, construction, maintenance, and operation, and in financing the acquisition, construction, maintenance, and operation of any such transit facilities in accordance with any legislation which Congress or the Legislature of the State of California may have heretofore adopted or may hereafter adopt, under which aid, assistance, and cooperation may be furnished by the United States or this State in the acquisition, construction, maintenance, and operation or in financing the acquisition, construction, maintenance and operation of any such transit facilities. The district may do any and all things necessary in order to avail itself of such aid, assistance, and cooperation under any federal or state legislation now or hereafter enacted. Any evidence of indebtedness issued under this section shall constitute a negotiable instrument. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Article 7

TAXATION

Sec.

- 70210. Power to levy and collect taxes; purposes.
- 70211. Tax to supplement revenues.
- 70212. Tax to pay indebtedness.
- 70213. District assessment, levy and collection.
- 70214. Assessment and collection by others.
- 70215. Auditor's statement of valuation.
- 70216. Determination of rate; levy and assessment.
- 70217. Statement of rate.
- 70218. Collection with county taxes.
- 70219. Apportionment of money paid on redemption.
- 70220. Tax lien; method of enforcement of collection.

Article 7 was added by Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.

§ 70210. Power to levy and collect taxes; purposes. The district may levy, and collect or cause to be collected, taxes for any lawful purpose subject to a maximum limit of five cents (\$0.05) per one hundred dollars (\$100) of assessed valuation within the district. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70211. Tax to supplement revenues. If, in the opinion of the board, the transit operation revenues will not be sufficient for any and all lawful purposes the board shall levy a tax for such purpose or purposes and fix the amount of money necessary to be raised therefor by taxation. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70212. Tax to pay indebtedness. The board shall, as part of the general tax levy as set forth in Section 70210, levy and collect annually until the district's bonds are paid, or until there is a sum in the treasury of the district set apart for that purpose to meet all sums coming due for principal and interest on the bonds as they become due a tax sufficient to pay the annual interest on the bonds and such part of the principal thereof as becomes due before the proceeds of a tax levied at the next general tax levy will be available. If the maturity of the indebtedness created by the issue of bonds begins more than one year after the date of the issuance thereof, the tax shall be levied and collected annually at the time and in the manner aforesaid, sufficient to pay the interest on the indebtedness as it falls due and to constitute a sinking fund for the payment of the principal on or before maturity. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70213. District assessment, levy and collection. The board may provide for the assessment, levy, and collection of taxes by the district, including the sale of property to the district for delinquent taxes, with penalties, interest, and cost. (Added Stats.1964, 1st Ex. Sess., c. 92, p. —, § 1.)

§ 70214. Assessment and collection by others. The board shall avail itself of the assessments made by the assessor of the county and of the assessments made by the State Board of Equalization for the county and shall take such assessments as the basis for district taxation and have its taxes collected by the tax collector of the county. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70215. Auditor's statement of valuation. In such case the county auditor shall, on or before the third Monday in August of each

year, transmit to the board a statement in writing showing the total value of all property within the district, ascertained from the assessments referred to in Section 70214 as equalized. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70216. Determination of rate; levy and assessment. The board shall on or before the first day of September fix the rate of taxes, designating the number of cents upon each one hundred dollars (\$100) using as a basis the value of property transmitted to the board by the county auditor, which rate of taxation shall be sufficient to raise the amount previously fixed by the board. These acts by the board shall constitute a valid assessment of the property and a valid levy of the taxes so fixed but the rate of taxation shall not exceed the limit imposed by this article. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70217. Statement of rate. The board shall immediately after fixing the rate of taxes as above provided transmit to the county auditor of the county a statement of the rate of taxes fixed by the board. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70218. Collection with county taxes. The district's taxes so levied shall be collected at the same time and in the same manner as county taxes. When collected the net amount, ascertained as provided in this article, shall be paid to the treasurer of the district, under the general requirements and penalties provided by law for the settlement of other taxes. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70219. Apportionment of money paid on redemption. Whenever any real property has been sold for taxes and has been redeemed, the money paid for redemption shall be apportioned and paid to the district by the county treasurer in the proportion which the tax due to the district bears to the total tax for which the property was sold. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70220. Tax lien; method of enforcement of collection. All taxes levied under this part are a lien on the property on which they are levied. The enforcement of the collection of such taxes shall be in the same manner and by the same means provided by law for the enforcement of liens for county taxes, all the provisions of law relating to the enforcement of the latter being made a part of this part so far as applicable. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Chapter 7

BONDS

Article	Section
1. Issuance	70225
2. Form and Content	70240
3. Issue and Sale	70245
4. Status as Investments	70260
5. Validation	70263
6. Revenue Bonds	70265

Chapter 7 was added by Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.

Article 1

ISSUANCE

- Sec.
70225. Authority; purposes.
70226. Resolution; ordinance for special election.
70272-70230. Blank.
70231. Election ordinance; contents.
70232. Multiple purposes.
70233. Separate or consolidated elections; contents of ordinance in case of consolidation.
70234. Publication of ordinance.
70235. Application of Elections Code.
70236. Vote required.
70237. Resubmission; waiting period.

Article 1 was added by Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.

§ 70225. Authority; purposes. The district may from time to time incur a bonded indebtedness as provided in this chapter to pay the cost of acquiring, constructing or completing the whole or any portion of any transit facilities, or for acquiring any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes, or powers of the district. The total amount of bonds issued and outstanding shall not exceed twenty percent (20%) of the assessed value of the taxable property of the district as shown by the last equalized assessment roll of the County of Marin. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70226. Resolution; ordinance for special election. Whenever the board by resolution passed by vote of two-thirds of all its members determines that the public interest or necessity demands the

acquisition, construction, or completion by the district of any transit facilities or any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes, or powers of the district, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the district, it may at any subsequent meeting of the board provide by ordinance for the submission of the proposition of incurring a bonded indebtedness for the purpose set forth in the resolution to the voters of the district at a special bond election held for that purpose. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§§ 70227-70230. Blank

§ 70231. Election ordinance; contents. The ordinance calling a special bond election shall fix the date on which the election will be held, and the manner of holding the election and of voting for or against incurring the indebtedness. It shall also recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the transit facilities, works, lands, structures, rights, equipment, or other property proposed to be acquired, constructed, or completed, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on the indebtedness, which shall not exceed 6 percent per annum, payable semiannually or annually the first year and thereafter semiannually. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70232. Multiple purposes. Propositions for incurring indebtedness for more than one object or purpose may be submitted at the same election. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70233. Separate or consolidated elections; contents of ordinance in case of consolidation. Any special bond election may be held separately, or may be consolidated with any other election authorized by law at which the voters of the district may vote. If a special bond election is consolidated with any other election, the provisions of this chapter setting forth the procedure for the calling and holding of the special bond election shall be complied with, except that the ordinance calling the election need not set forth the election precincts, polling places, and officers of election, but may provide that the precincts, polling places, and officers of election shall be the same as those set forth in the ordinance, notice, or other proceedings calling the election with which the special bond election is consolidated, and shall refer to

the ordinance, notice, or other proceedings by number and title, or by other definite description. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70234. Publication of ordinance. The ordinance shall be published, and no other notice of election need be given. (Added Stats. 1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70235. Application of Elections Code. The board shall comply with the provisions of Article 3 (commencing with Section 3780) of Chapter 2 of Division 4 of the Elections Code, the provisions of which are applicable to any bond election held pursuant to this article. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70236. Vote required. The votes of sixty percent (60%) of all voters voting on the proposition at the election are required to authorize the issuance of bonds under this chapter. (Added Stats. 1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70237. Resubmission; waiting period. If the proposition submitted at a special bond election fails to receive the requisite number of votes, the board shall not within six months after the election hold another special election for the submission of a proposition of incurring a bonded indebtedness substantially the same as the proposition voted upon at the prior election unless a petition signed by voters within the district equal in number to at least 15 percent of the total vote cast at the last general statewide election is filed with the board, requesting that the proposition, or a proposition substantially the same, be submitted at an election to be called for that purpose. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Article 2

FORM AND CONTENT

Sec.

70240. Serial bond maturities; series.

70241. Denominations.

70242. Call and redemption provisions; notice of redemption.

70243. Signatures.

Article 2 was added by Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.

§ 70240. Serial bond maturities; series. Bonds authorized by this chapter shall mature serially in amounts to be fixed by the board; except that payment shall begin not later than 10 years from the date thereof and shall be completed in not more than 50 years from that date.

The board may divide any issue of bonds authorized pursuant to this chapter into two or more series, and may fix different dates of issuance and different maturity dates for the bonds of each series. The bonds of each series shall mature serially in amounts to be fixed by the board, and the board shall fix a date not more than 10 years from the date of issuance of each series for the earliest maturity of such series, and shall fix a date not more than 50 years from the date of issuance of each series for the final maturity of such series.

Pending the actual issuance or delivery of bonds, a district may issue temporary or interim bonds, certificates, or receipts, of any denomination whatsoever, with or without coupon, and in such form as may be prescribed by the board, to be exchanged for definite bonds when ready for delivery. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70241. Denominations. The bonds shall be issued in such denominations as the board determines, except that no bonds shall be issued of a denomination less than one thousand dollars (\$1,000) and shall be payable on the day and at the place or places fixed in the bond, and with interest at the rate specified therein, payable semiannually. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70242. Call and redemption provisions; notice of redemption. The board may at any time prior to the issuance and sale of any bonds provide for the call and redemption of any or all of the bonds on any interest payment date prior to their fixed maturity at not exceeding the par value and accrued interest plus a premium of not exceeding 5 percent upon the principal amount of the bonds, in which event the call price fixed by the board shall be set forth on the face of the bond. Notice of such redemption shall be published. If there is no newspaper of general circulation printed and published within the district, then the publication shall be made in a newspaper of general circulation printed and published within the county in which the district or any part thereof is situated. The first publication shall be at least 30 days prior to the date fixed for the redemption. After the date fixed for such redemption interest on the bonds thereafter shall cease. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70243. Signatures. The bonds shall be signed by the chairman of the board or by such officer of the district as the board shall by resolution authorize and designate for that purpose. They shall also be signed by the treasurer, and be countersigned by the auditor. The coupons of the bonds shall be numbered consecutively and be signed by the treasurer. All signatures and countersignatures, except one of the signatures or countersignatures on the bonds, may be printed, lithographed or engraved. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before the delivery of the bonds to the purchaser, the signature or countersignature is nevertheless valid and sufficient for all purposes as if he had remained in office until the delivery of the bonds. (Added Stats. 1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Article 3

ISSUE AND SALE

Sec.

70245. Minimum price; bids; private sale.

70246. Proceeds of sale.

Article 3 was added by Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.

§ 70245. Minimum price; bids; private sale. The bonds may be issued and sold for not less than their par value, but otherwise as the board determines. Before selling any bonds, or any part thereof, the board shall give notice inviting sealed bids in such manner as the board may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either again give notice inviting bids or sell the bonds at private sale. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70246. Proceeds of sale. All premiums and accrued interest received on the sale of bonds shall be placed in the fund to be used for the payment of principal of and interest on the bonds. The remainder of the proceeds of the bonds shall be placed in the district treasury to the credit of the proper fund, and shall be used exclusively for the objects or purposes for which the bonds were voted; provided that when such objects and purposes have been accomplished any moneys remaining shall be transferred to the fund to be used for the payment of principal of and interest on the bonds, and that when all principal

of and interest on the bonds shall have been paid, any balance of money then remaining shall be transferred to the general fund of the district. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Article 4

STATUS AS INVESTMENTS

Sec.

70260. Legal investments.

70261. Use as security for deposit of public funds.

Article 4 was added by Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.

§ 70260. Legal investments. All bonds including refunding bonds issued by a district are legal investments for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the State School Fund and for all sinking funds under the control of the State Treasurer. Whenever any money or funds may by law be invested in or loaned upon the security of bonds of cities, cities and counties, counties, or school districts, in the State, such money or funds may be invested in or loaned upon the security of the bonds of the district; and whenever bonds of cities, cities and counties, counties, or school districts by law may be used as security for the faithful performance or execution of any court or private trust or of any other act, bonds of the district may be so used. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70261. Use as security for deposit of public funds. All bonds of the district, to the same extent as bonds of any other municipality, are legal for use by any state or national bank or banks in the State as security for the deposit of funds of the State or of any county, city and county, city, municipality or other public or municipal corporation within the State. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Article 5

VALIDATION

Sec.

70263. Action.

Article 5 was added by Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.

§ 70263. Action. An action to determine the validity of bonds, including refunding bonds, may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Article 6

REVENUE BONDS

Sec.

70265. Alternative procedure; authorization.

70266. Definitions; power to issue revenue bonds.

Article 6 was added by Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.

§ 70265. **Alternative procedure; authorization.** As an alternative procedure for the raising of funds, the 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. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70266. **Definitions; power to issue revenue bonds.** 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, include 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 the district. A district may issue revenue bonds under the Revenue Bond Law of 1941, for any one or more facilities or enterprises 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 such 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 hereunder, and all proceedings may be carried on simultaneously or, in the alternative, as the directors may determine. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Chapter 8

ANNEXATION

Sec.

- 70270. Authority.
- 70271. Finding; resolution.
- 70272. Resolution; vote required.
- 70273. Contents of resolution.
- 70274. Publication of resolution.
- 70275. Hearing; fixing of boundaries.
- 70276. Resolution ordering annexation; minute entry.
- 70277. Effect of annexation.

Chapter 8 was added by Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.

§ 70270. **Authority.** Territory within Marin County may be annexed to the district in the manner provided in this chapter. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70271. **Finding; resolution.** Whenever the board finds and determines that additional territory will be benefited by annexation to the district, it shall pass a resolution to that effect. (Added Stats. 1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70272. **Resolution; vote required.** The resolution shall be passed by a vote of two-thirds of the members of the board. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70273. **Contents of resolution.** The resolution shall:

(a) Describe the boundaries of the territory proposed to be annexed.

(b) Designate the proposed annexation by an appropriate name.

(c) Declare that the area to be annexed to the district will be benefited by such annexation.

(d) Name the time and place for the hearing of objections by any person interested in the proposed annexation. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70274. Publication of resolution. The resolution, together with the names of the members of the board, voting for and against it shall be published pursuant to Section 6066 of the Government Code in a newspaper published in the territory proposed to be annexed, or if there is no such paper, then in some newspaper of general circulation, circulated in such territory. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70275. Hearing; fixing of boundaries. On the day fixed for hearing or any day to which the hearing is adjourned, the board shall hear and consider any objections presented to the annexation of the territory. After the hearing of objections, if it shall be determined by a vote of two-thirds of all the members of the board that the territory proposed to be annexed will be benefited by such annexation, the board shall proceed to fix and determine the boundaries of the territory to be annexed to the district, provided, however, that if there is filed with the clerk of the board prior to the close of said hearing, written protests against said annexation signed by fifty percent (50%) or more of the registered voters within the area proposed to be annexed, then said annexation proceedings shall be terminated by board action and the board shall not within six months after said termination adopt a resolution pursuant to Section 70271 applicable to the same or substantially the same area involved in the prior terminated proceeding. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70276. Resolution ordering annexation; minute entry. After making all necessary and proper changes in the boundaries, by a resolution passed by a vote of two-thirds of the members, the board shall order the annexation of the territory so described. The resolution, together with the names of the members of the board voting for and against the same shall be spread upon the minutes of the board. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 70277. Effect of annexation. Whenever any territory is annexed to the district it shall thereupon become a part of the district subject to all the liabilities and entitled to all the benefits of the district. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Chapter 9
DISSOLUTION

Sec.

- 80000. Call of election.
- 80001. Time of election.
- 80002. Notice of election; publication.
- 80003. Ballots.
- 80004. Canvass; resolution of dissolution.
- 80005. Resolution of dissolution; filing and recording.
- 80006. Disposition of property.
- 80007. Governing body; winding up affairs; taxes.

Chapter 9 was added by Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.

§ 80000. Call of election. The board may call an election any time for the purpose of submitting to the voters of the district the question of whether the district will be dissolved. Upon the filing with the clerk of the district of a petition signed by voters within the district equal in number to at least twenty-five percent (25%) of the total vote cast within the district at the last general statewide election asking that the question of dissolution of the district be submitted to the voters of the district, the board shall call such an election. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 80001. Time of election. The election for the purpose of submitting to the voters of the district the question of whether or not the district shall be dissolved shall be held within 60 days next succeeding the date on which the petition is filed. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 80002. Notice of election; publication. Notice of any election for dissolution, whether called because of the filing of a petition or ordered by the board without petition, shall be published. The date fixed for the election shall not be less than 30 days from the date of the first publication of the notice. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 80003. Ballots. The ballots for the election shall contain substantially the instructions required to be printed on ballots for use at general state and county elections and in addition the following:

Shall the Marin County Transit District be dissolved?	YES	
	NO	

(Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 80004. Canvass; resolution of dissolution. The board shall canvass the vote. If a majority of the votes favor dissolution, the board shall by resolution dissolve the district. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 80005. Resolution of dissolution; filing and recording. The board shall file a certified copy of the resolution with the Secretary of State and for record in the office of the county recorder. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 80006. Disposition of property. Upon dissolution the right, title, and interest to property owned or controlled by the district situated within the limits of any city vests absolutely in the city. If such property is situated outside the limits of a city, it vests in the county in which it is situated. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 80007. Governing body; winding up affairs; taxes. The board of supervisors is, ex officio, the governing body of the dissolved district. It may levy taxes and assessments and perform other acts necessary to wind up the district affairs and to raise money for the payment of outstanding indebtedness. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

Chapter 10

CONSOLIDATION WITH OTHER DISTRICTS

Sec.

- 80010. Authority.
- 80011. Finding and determination.
- 80012. Resolution of intention.
- 80013. Publication of resolution and notice of hearing; time for hearing.
- 80014. Objections.
- 80015. Hearing.
- 80016. Adjournment of hearing.
- 80017. Resolution of approval.
- 80018. Method of consolidation.
- 80019. Effect of consolidation.

Chapter 10 was added by Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.

§ 80010. Authority. The district may be consolidated with any other transit district organized and operating pursuant to Part 2 (commencing with Section 28500) of this division, in the manner provided in this chapter. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 80011. Finding and determination. Whenever the board finds and determines that:

(a) Another transit district is willing to annex the territory comprising the district;

(b) The annexing district has adequate facilities for and is able to supply transit service to the district in a manner equal to or superior to that presently rendered by the district;

(c) Annexation will not result in assumption of financial obligations by the taxpayers of district disproportionate to the services which they will receive; the board shall thereafter negotiate an agreement with the annexing district specifying the terms and conditions of annexation and such other matters as are necessary and incidental thereto. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 80012. Resolution of intention. The board shall thereafter, by resolution setting forth the terms and conditions of the proposed contract at length, declare its intention to cause the agreement to be approved and effect consolidation of district with such other transit district. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 80013. Publication of resolution and notice of hearing; time for hearing. The resolution, together with a notice fixing the time and place for hearing thereon, shall be published once in a newspaper of general circulation published in the district. The time fixed for hearing shall not be less than 30 nor more than 60 days from the date of publication of such notice. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 80014. Objections. At the hearing any interested person may file with the board written objections to the approval of the terms and conditions of the proposed contract or the consolidation, or both the proposed contract and the consolidation. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 80015. Hearing. Upon the hearing, the board shall determine whether or not the terms and conditions of the contract will be approved and the consolidation effected, and shall hear and determine all objections thereto. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 80016. Adjournment of hearing. Any hearing on the agreement and consolidation may be adjourned from time to time by the

§ 80017

TRANSIT DISTRICTS

Div. 10

board, not exceeding 30 days in all, without further notice other than an order entered upon the minutes of the meeting fixing the time and place of adjournment. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 80017. Resolution of approval. If no protests are filed, or if the protests filed are overruled and denied by the board, the board shall thereupon by resolution finally approve the terms and conditions of the agreement and proceed with the consolidation. (Added Stats. 1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 80018. Method of consolidation. Thereafter such consolidation shall be effected by such other district in the manner provided for annexation of counties in Chapter 9 (commencing with Section 29500), Part 2 of this division. (Added Stats.1964, 1st Ex.Sess., c. 92, p. —, § 1.)

§ 80019. Effect of consolidation. Upon the completion of such consolidation procedure, the Marin County Transit District shall be deemed to be dissolved. Thereafter, all property and assets of district which are not subject to the negotiated contract pertaining to consolidation shall be distributed to the County of Marin. (Added Stats. 1964, 1st Ex.Sess., c. 92, p. —, § 1.)