

# State of California



# Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

September 21, 1976

Mr. Don Miller  
San Francisco Bay Area  
Transportation Terminal  
Authority  
151 Fremont Street  
San Francisco, California 94102

16-250

Dear Mr. Miller:

I have been asked to respond to your letter of August 31, 1976, requesting guidance to identify the code reviewing body for your agency and requesting the latest revisions on procedures and filing dates.

Government Code §82011, in pertinent part, defines code reviewing body to mean:

... (a) The Commission, with respect to the Conflict of Interest Code of a state agency, a county board of supervisors, a city council or any local government agency with jurisdiction in more than one county;

(b) The Board of Supervisors, with respect to the Conflict of Interest Code of any county agency other than the Board of Supervisors, and of any local government agency, other than a city agency, with jurisdiction wholly within the county;

(c) The City Council, with respect to the Conflict of Interest Code of any city agency other than the City Council; ...

Government Code §67522 makes it clear that the purpose of your agency is to develop a regional transit terminal in the City and County of San Francisco:

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67522. The Authority's purpose shall be to develop a regional transit terminal in the City and County of San Francisco...

As your jurisdiction extends beyond the City, the City Council cannot be your code reviewing body pursuant to the provisions of Government Code §82011(c).

To conclude that the Fair Political Practices Commission is your code reviewing body, one must find either that your agency is a state agency, or that your agency is a local government agency with jurisdiction in more than one county.

Government Code §82049 defines state agency to mean:

... every state office, department, division, bureau, board and commission, and the Legislature, but does not include the courts or any agency in the judicial branch of government.

Although the San Francisco Bay Area Transportation Terminal Authority was created pursuant to state statute, Government Code §67521, cited in your letter, specifically excepts your agency from numerous Code provisions applicable to state government generally, and to provisions, including fiscal control provisions, applicable to state departments, offices and agencies within the executive department of state government. The same section of your statutory authority goes on to deem you a "state agency" only for the narrow purpose of subjecting your actions and deliberations to the public open meeting requirements dealing with Government Code §11120. It is also quite clear from the provisions of Government Code §67501:

67501. It is hereby declared to be the policy of the State of California to facilitate the development of regional mass transportation facilities by local agencies to the maximum extent possible. To that end it is hereby declared that it is the policy of this state that a new transit terminal should be developed in the San Francisco Bay area by a local agency and that such development should be undertaken as rapidly as possible.

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that the Legislature, in enacting the San Francisco Bay Area Transportation Terminal Authority Act, considered your agency to be a local government agency, deserving of help and encouragement in the development of regional mass transportation facilities. Accordingly, for the above reasons, we conclude that your agency is not a state agency within the meaning of the Political Reform Act.

Is your agency a "local government agency with jurisdiction in more than one county"?

Government Code §67522 provides that "the terminal may be developed in conjunction with such other facilities as, in the judgment of the Authority, are necessary and proper to develop the site to its highest and best use". Government Code §67525, which provides for the composition of the board of directors, clearly contemplates that development of the Terminal Authority will be done, taking into consideration the needs and interests of numerous counties surrounding the San Francisco area. To accomplish this objective, representatives of entities serving this multi-county area are included on the board of directors. It seems reasonable to assume that in order to accomplish this statutory objective of developing this site to its highest and best use, that rates, rentals, fees, and other charges established to operate the facility will be set only after taking into consideration needs and interests, not only of San Francisco City and County users, but also of users from multi-counties surrounding the bay area. Numerous other provisions of the statutory authority under which your agency was created make it clear that the legitimate and expected purpose of the San Francisco Bay Area Transportation Terminal Authority is to provide services for users located in numerous counties around the bay area. Accordingly, it is our conclusion that your agency is a local government agency with jurisdiction in more than one county. That being the case, pursuant to the provisions of Government Code §82011(a), the Fair Political Practices Commission is your code reviewing body.

With regard to your request for the latest revisions on procedures and filing dates, I enclose a comprehensive packet of materials with the latest revised regulations and other supplementary materials useful for agencies formulating Conflict of Interest Codes. Item VI C. (the last item in

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the packet) is the revised deadline list for submission of Conflict of Interest Codes. Your agency deadline for Code submission will be February 10, 1977. Your agency shortly will receive an official notice of its Code submission deadline. If we may be of further assistance to you, please let me know.

Sincerely,



Edgar A. Kerry  
Staff Attorney  
Conflicts of Interest  
Division

EAK:glb

Enclosure

SAN FRANCISCO BAY AREA TRANSPORTATION TERMINAL AUTHORITY

151 Fremont Street  
San Francisco, California 94105  
Telephone (415) 557-2608

August 31, 1976

ALAMEDA-CONTRA COSTA TRANSIT  
DISTRICT  
BAY AREA RAPID TRANSIT DISTRICT  
CALIFORNIA DEPARTMENT OF  
TRANSPORTATION  
CITY AND COUNTY OF SAN FRANCISCO  
GOLDEN GATE BRIDGE, HIGHWAY AND  
TRANSPORTATION DISTRICT  
METROPOLITAN TRANSPORTATION  
COMMISSION  
SAN MATEO COUNTY TRANSIT DISTRICT

76-250

SEP 7 9 47 AM '76  
F P P C

Mr. Delburt Spurlock  
Conflict of Interest Division  
Fair Political Practices Commission  
P. O. Box 807  
Sacramento, CA 95804

Dear Mr. Spurlock:

The San Francisco Bay Area Transportation Terminal Authority has been working toward adopting a Conflict of Interest Code. A draft code has been prepared and a public hearing has been held. My reason for writing is to find out who, in your opinion, would be this agency's "reviewing body" and to obtain the latest revisions in procedures and filing dates.

The attached Assembly Bill #3694 revised the Government Code, Chapter 1373, to add Title 7.8 commencing with Section 67500. Sections which may have a bearing on the determination of our "reviewing body" are as follows:

67521. "The Authority is a public corporation of the State of California, independent of the agencies from which its board is appointed..." The Authority will not be deemed as State agency as that term is defined by Section 11000 of this Code; provided..."

67522 "The Authority's purpose shall be to develop a regional transit terminal in the City and County of San Francisco on and immediately adjacent to the site of the existing transbay transit terminal."

The governing board of the Authority includes the many agencies listed on the letterhead.

Funds available to the Authority include Federal, State, and local.

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Delburt Spurlock

The Authority is anxious to comply with the letter and spirit of the Political Reform Act of 1974; however, we believe we cannot proceed further until we hear from you.

Sincerely,

A handwritten signature in cursive script that reads "Don Miller".

DON MILLER  
Project Coordinator

Attachment

cc: Mr. Dennis V. Carey  
Attorney General's Office

Assembly Bill No. 3694

CHAPTER 1373

*An act to add Title 7.8 (commencing with Section 67500) to the Government Code, relating to transportation, and making an appropriation therefor.*

[Approved by Governor September 26, 1974. Filed with Secretary of State September 26, 1974.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3694, Foran. Transportation.

Enacts San Francisco Bay Area Transportation Terminal Authority Act.

Prescribes organization, government, powers, duties and functions of the authority, and in this connection, authorizes the authority to acquire, construct, and operate certain facilities to issue revenue bonds, and to collect fees, rents and other charges.

Appropriates \$75,000 to Department of Transportation for support of authority.

Appropriation: yes.

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

SECTION 1. Title 7.8 (commencing with Section 67500) is added to the Government Code, to read:

**TITLE 7.8. SAN FRANCISCO BAY AREA TRANSPORTATION  
TERMINAL AUTHORITY**

**CHAPTER 1. TITLE AND DECLARATION OF POLICY**

67500. This title shall be known and may be cited as the "San Francisco Bay Area Transportation Terminal Authority Act."

67501. It is hereby declared to be the policy of the State of California to facilitate the development of regional mass transportation facilities by local agencies to the maximum extent possible. To that end it is hereby declared that it is the policy of this state that a new transit terminal should be developed in the San Francisco Bay area by a local agency and that such development should be undertaken as rapidly as possible.

**CHAPTER 2. DEFINITIONS**

67502. When the terms defined in this chapter are used in this title, they have the meanings ascribed to them in this chapter unless the context otherwise requires.

67503. "Authority" means the San Francisco Bay Area Transportation Terminal Authority created by this title.

67504. "Bonds" means the written evidence of any obligation incurred by the authority payable out of revenues as provided in Chapter 3 of this title in order to secure funds with which to carry out the purposes of this chapter, irrespective of the form of such obligation whether in the form of bonds, notes, debentures, interest-bearing certificates, or other forms prescribed by the authority. Bonds shall not be deemed outstanding within the meaning of this section or other sections of Chapter 3 if moneys sufficient to pay the same and all interest thereon have been set aside irrevocably in a special or trust fund for that purpose and the indenture under which such bonds were issued provides that such bonds shall not be deemed to be outstanding in such event.

67505. "Bondholder" or "holder of bonds" or any similar term means any person who shall be the bearer of any outstanding bond registered to bearer or not registered, or the registered owner of any outstanding bond which shall at the time be registered other than to bearer.

67506. "Transbay transit terminal" means the existing bus terminal under the jurisdiction of the California Toll Bridge Authority located at First and Mission Streets in the City and County of San Francisco.

67507. "Regional transit terminal" means the terminal to be developed and constructed under the provisions of this title, including any and all related facilities developed and constructed in conjunction therewith.

67508. "Revenues" means all rates, rentals, fees, charges or other income or revenue actually received or receivable by or for the account of the authority from the operation of the regional transit terminal, including, without limiting the generality of the foregoing, interest allowed on any moneys or securities and any profits derived from the sale of any securities and any consideration in any way derived from any properties owned, operated or at any time maintained by the authority.

67509. "Indenture" means any resolution, agreement, or other document in writing under which bonds of the authority are authorized to be issued.

67510. "Public corporation" means any county, city and county, city, town, municipal corporation, district of any kind or class, authority, redevelopment agency or political subdivision of this state.

### CHAPTER 3. SAN FRANCISCO BAY AREA TRANSPORTATION TERMINAL AUTHORITY

#### Article 1. Creation of the Authority

67520. There is hereby created the San Francisco Bay Area

Transportation Terminal Authority.

67521. The authority is a public corporation of the State of California, independent of the agencies from which its board is appointed and in carrying out its corporate purpose as provided in this title, will be performing an essential governmental function. The powers and duties of the authority are those granted or imposed by this chapter, and the powers granted by this chapter are not restricted or qualified by Title 2 (commencing at Section 8000) of this code. Without limiting the generality of the foregoing, the provisions of Chapter 3 (commencing at Section 13290) of Part 3 of Division 3 of Title 2 of this code shall not be applicable to the authority. The authority shall not be deemed a "state agency" as that term is defined by Section 11000 of this code; provided that if the authority itself undertakes the work of developing, designing and construction of the regional transit terminal the provisions of Chapter 3 (commencing with Section 14250) of Part 5 of Division 3 of Title 2 which are applicable to public bidding and award of contracts shall apply to the authority insofar as they can be made applicable thereto. The authority shall be deemed a "state agency" for purposes of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1, Division 3, Title 2.

67522. The authority's purpose shall be to develop a regional transit terminal in the City and County of San Francisco on and immediately adjacent to the site of the existing transbay transit terminal. The terminal may be developed in conjunction with such other facilities as, in the judgment of the authority, are necessary and proper to develop the site to its highest and best use. The terminal and facilities shall be designed and developed in full compliance so that it will conform with the municipal code and master plan of the City and County of San Francisco.

67523. The authority shall make a progress report to the Legislature annually, on or before the 15th day of February, until the terminal and other facilities have been completed.

Each report shall contain:

(a) A detailed statement of the authority's efforts to implement the provisions of Section 67540 together with the authority's recommendations respecting the method of financing such work and any necessary statutory amendments to enable its accomplishment.

(b) A brief statement of the authority's other work during the preceding calendar year and any recommendations respecting necessary statutory amendments.

(c) Any other information necessary to enable the Legislature to evaluate the authority's progress toward accomplishment of its objectives.

#### Article 2. Organization

67525. (a) The authority shall be governed by a board composed

of:

- (1) One member appointed by the Board of Directors of the Alameda-Contra Costa Transit District;
- (2) One member appointed by the Board of Directors of the Golden Gate Bridge Highway and Transportation District;
- (3) One member appointed by the Mayor of the City of San Francisco;

(4) One member appointed by the Board of Directors of the San Francisco Bay Area Rapid Transit District; and

(5) The Director of Transportation of the State of California or any representative duly authorized by him in writing.

(b) In addition, the Metropolitan Transportation Commission shall appoint one person to serve as a nonvoting member of the board.

(c) In addition, one nonvoting member, representing private transportation interests, shall be appointed by the Governor.

(d) All members of the board shall be officers of the agency by which they are appointed.

(e) Any member of the board may designate, in writing, an alternate who may attend meetings and act in his place and stead.

(f) All board members shall serve at the pleasure of the agency by which they are appointed.

(g) At least three of the five voting members of the board shall be residents of the City and County of San Francisco.

67526. All members of the authority or their duly designated alternates shall serve without pay, but they may receive their necessary actual expenses incurred in the discharge of their duties.

67527. A majority of the members of the board shall constitute a quorum and may act for the authority.

67528. The authority shall maintain an office located in the City and County of San Francisco.

67529. The authority may either employ an executive director, a secretary, an attorney, and such other officers, or employees, or consultants as are necessary to enable it to perform the duties imposed upon it by this title or it may contract for any or all necessary services with a qualified public agency.

67530. The authority may sue and be sued in the name of the San Francisco Bay Area Transportation Terminal Authority.

### Article 3. General Powers

67535. The authority has perpetual succession.

67536. The authority may sue and be sued in all courts of competent jurisdiction, except that the State of California does not consent to any suit filed against the authority in any federal court of the United States; provided, that the authority may, as a plaintiff, institute or, as an intervenor, intervene in any suit in any federal court of the United States.

67537. (a) When plans for the development of the regional transit terminal have been developed to a stage at which the authority and the Department of Transportation agree that the objectives of this act can be accomplished thereby, the transbay transit terminal shall be transferred to the authority subject to such terms and conditions as in the opinion of the department and of the California Toll Bridge Authority are necessary to protect the interests of the State of California and the rights of the holders of any revenue bonds secured by the tolls and revenues of the San Francisco-Oakland Bay Bridge.

(b) The authority may acquire by grant, purchase, lease, gift, devise, or otherwise any property or interests in property necessary to the development of the regional transit terminal.

67538. The authority itself may develop, design, construct, and operate the regional transit terminal or it may contract for such development, design, construction, and operation.

The regional transit terminal shall be so designed and constructed as to facilitate the transfer of passengers between carriers and between different modes of transit.

67539. (a) The authority shall have the power to apply for and accept grants and loans from any department or agency of the United States of America to be used for any of the purposes of the authority and to enter into any agreement with such department or agency in relation to such grants or loans; provided, however, that such agreement shall not conflict with any of the provisions of any indenture under which bonds of the authority are then outstanding.

(b) The authority may accept contributions of money or property from any city, city and county, district, or political subdivision of the state for any of the purposes of the authority.

67540. The authority may construct or may assist other public districts or agencies or carriers operating under a certificate of public convenience and necessity issued by the California Public Utilities Commission in the construction of such connections as may be necessary or desirable to facilitate the transfer of passengers between different carriers or modes of transit, including, but not limited to, a connection with facilities of the San Francisco Bay Area Rapid Transit District.

67541. The authority may exercise the right of eminent domain for the condemnation of real or personal property or any right or interest therein for its use within the City and County of San Francisco, including the power to acquire real property in fee simple or any lesser estate or interest or for rights-of-way or other uses of the authority and also for the purpose of protecting and preserving the rights, powers and privileges of the authority with respect to any facilities then owned or operated by the authority. No publicly owned property shall be taken, or condemnation proceedings instituted therefor, without the consent of the public agency or public corporation owning or controlling such publicly owned

property.

Notwithstanding the provisions of this section no taking or acquisition of title or possession, by the district which would involve the abandonment, removal, relocation or use of the property of a railroad corporation, as defined in Section 230 of the Public Utilities Code, shall be permitted, unless the Public Utilities Commission, after a hearing, shall find and determine that the public interest and necessity require the abandonment, removal, relocation or use of such property and that such taking or acquisition will not unreasonably impair the ability of the railroad corporation involved to provide safe, adequate, economical and efficient service.

67542. Proceedings in eminent domain brought by the authority shall be governed by the provisions of the Code of Civil Procedure relating to eminent domain, insofar as such provisions are not inconsistent with this chapter. The authority shall not commence any such proceedings unless the board first adopts a resolution by unanimous vote declaring that public interest and necessity require acquisition by the authority of the property or interest therein, described in the resolution, and that such acquisition is necessary and proper for the extension, improvement, or development of the regional transit terminal.

The resolution of the board shall be conclusive evidence of the public necessity of such proposed acquisition and that such real or personal property or interest therein is necessary therefor and that such proposed acquisition is planned or located in a manner which will be most compatible with the greatest public good and the least private injury.

67543. The authority may adopt such rules and regulations as may be necessary to enable it to exercise the powers and perform the duties conferred or imposed upon it by this chapter. The authority may by resolution make, amend and repeal rules and regulations governing the use, operation, and maintenance of the regional transit terminal or any part thereof under its jurisdiction and control; provided, however, that any indenture may place limitations and conditions upon the exercise of such powers or any thereof.

67544. The authority shall have power to deposit any moneys of the authority, in accordance with the provisions of the general laws of the State of California governing the deposit of public moneys of counties, in such bank or banks in the State of California as may be authorized to receive deposits of public funds, in the same manner and upon the same security as public moneys of counties are deposited in such banks and with like force and effect, and to invest any moneys in any sinking fund or reserve fund created by any indenture or any surplus in the treasury of the authority not required for its immediate needs, in accordance with the general laws of the State of California relating to investments of county funds, but subject to such limitations and restrictions as may be provided in any indenture under which bonds of the authority are outstanding.

67545. The authority shall not have power to levy taxes for any purpose whatsoever.

67546. All property of the authority, and all income, rates, fees, rentals, and other charges received or collected by the authority shall be free and exempt from all taxes by the State of California or by any political subdivision or subordinate taxing authority thereof.

67547. The authority may adopt such rules and regulations governing the employment of any and all employees necessary to carry out its powers, including, without limiting the generality of the foregoing, the establishment of a retirement system.

If the authority determines that it is in the authority's interest to do so, the authority may enter into a contract with the Public Employees' Retirement System to provide for the inclusion of all its employees in the Public Employees' Retirement System.

#### Article 4. Revenue Bonds

67550. The authority may issue bonds for the acquisition, construction, reconstruction, completion, addition, betterment, improvement, extension or repair of the regional transit terminal or any part thereof, and any indenture under which bonds are issued may provide for the payment of any incidental expenses, including legal, engineering, fiscal, financial consultant and other expenses, connected with issuing and disposing of the bonds, for all amounts required for the creation of an operating fund, or construction fund, reserve fund, sinking fund, or other special fund, for all other incidental expenses connected with the acquisition, construction or completion of the regional transit terminal or any part thereof, for reimbursement of advances by the authority or by others for such purposes and for working capital. The total amount of bonds that may be issued by the authority shall not be limited as to aggregate principal amount, except as the authority may provide in any indenture.

67551. The validity of the authorization and issuance of any bonds by the authority is not dependent on or affected in any way, except to the extent provided in the indenture by:

(a) Proceedings taken by the authority for the acquisition, construction or completion of the regional transit terminal or any part thereof.

(b) Any contracts made by the authority in connection with the acquisition, construction or completion of the regional transit terminal or any part thereof.

(c) The failure to complete any part of the regional transit terminal for which bonds are authorized to be issued.

67552. The authority shall issue bonds in its name. These bonds shall constitute obligations of the authority only, and neither the payment of the principal of any such bond nor the payment of interest thereon constitutes a debt, liability or obligation of any

county or city, or city and county, or district, or political subdivision, or of the State of California. All bonds issued by the authority shall contain a recital on their face that neither the payment of the principal or any part thereof nor the payment of any interest thereon constitutes a debt, liability or obligation of any county or city, or city and county, or district, or political subdivision, or of the State of California.

67553. The authority shall determine the time, form and manner of the issuance of bonds. Bonds of the authority may be general obligations of the authority or may be payable only out of specified revenues as the authority shall determine at the time of their issuance.

67554. The authority may enter into indentures providing for the principal amount, date or dates, maturities, interest rate, denominations, form, registration, transfer, interchange and other provisions of such bonds and coupons, and the terms and conditions upon which the same shall be executed, issued, secured, sold, paid, redeemed, funded, and refunded. Reference on the face of the bonds to such indenture by its date of adoption, or the apparent date on the face thereof, is sufficient to incorporate all of the provisions thereof and of this chapter into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this chapter, and is bound thereby.

67555. An indenture may include such covenants and agreements on the part of the authority as the authority deems necessary or advisable for the issue, payment, better security or protection of the bonds issued thereunder.

67556. An indenture may include a clause requiring the authority to pay, or cause to be paid, punctually the principal of all such bonds and the interest thereon on the date or dates, at the place or places, and in the manner mentioned in such bonds and in the coupons appertaining thereto, all in accordance with such indenture.

67557. An indenture may include a clause requiring the authority to continuously operate the regional transit terminal and other facilities in an efficient and economical manner.

67558. An indenture may include a clause requiring the authority to make all necessary repairs, renewals, and replacements to the regional transit terminal and to keep the same at all times in good repair, working order and condition.

67559. An indenture may include a clause requiring the authority to preserve and protect the security of the bonds and the rights of the holders thereof and to warrant and defend such rights.

67560. An indenture may include a clause requiring the authority to pay and discharge, or cause to be paid and discharged, all lawful claims for labor, materials, and supplies, or other charges which, if unpaid, might become a lien or charge upon the revenues, or any

part thereof, of the regional transit terminal, or upon any property of the authority, or which might impair the security of the bonds.

67561. An indenture may include a clause which limits, restricts, or prohibits any right, power or privilege of the authority to mortgage or otherwise encumber, sell, lease or dispose of all or any part of the regional transit terminal, or to enter into any other agreement which impairs or impedes the operation of the terminal or any part thereof necessary to secure adequate revenues, or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues.

67562. An indenture may include a clause requiring the authority to fix, prescribe and collect rates, rents, fees or other charges in connection with the regional transit terminal, and in addition to provide a margin of safety in the collection thereof as further security for the bonds.

67563. An indenture may include a clause, requiring the authority to hold in trust the proceeds of the bonds and the revenues pledged to the payment of such bonds and the interest thereon, or to any reserve or other fund created for the further protection of the bonds, and to apply such revenues or cause them to be applied only as provided in the indenture.

67564. An indenture may include a clause limiting the power of the authority to apply the proceeds of the sale of any issue of bonds except as provided in the indenture.

67565. An indenture may include a clause limiting the power of the authority to issue additional bonds except upon such terms and conditions as are set forth in the indenture.

67566. An indenture may include a clause requiring, specifying or limiting the kind, amount and character of insurance to be maintained by the authority on the regional transit terminal, or any part thereof, and the use and disposition of the proceeds of any such insurance thereafter collected. Such insurance may include fire, casualty, fidelity, public liability, property damage, or any other type or kind of insurance deemed desirable by the authority including use and occupancy insurance or insurance against loss of revenues from any cause.

67567. An indenture may include a clause providing the events of default and the terms and conditions upon which such default and its consequences may be waived. An indenture may include a clause designating the rights, limitations, power, and duties arising upon breach by the authority of any of the covenants, conditions or obligations contained in any indenture; provided, that no indenture shall limit or restrict the rights granted to bondholders by Article 7.

67568. An indenture may include a clause prescribing a procedure by which the terms and conditions of the indenture may be subsequently amended or modified with the consent of the authority and the vote or written assent of the holders of a specified principal amount of the bonds issued and outstanding. Such clause

may provide for meetings of bondholders and for the manner in which the consent of the bondholders may be given. Such clause shall specifically state the effect of such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto, whether attached thereto or detached therefrom.

With respect to any clause providing for the modification or amendment of an indenture, the authority may agree that bonds held by the authority, by any department or agency of the State of California, or by any public corporation, shall not be counted as outstanding bonds, or be entitled to vote or assent, but shall, nevertheless, be subject to any such modification or amendment.

67569. An indenture may include a clause providing for such other acts and matters as may be necessary or convenient or desirable in order to secure the bonds or to make the bonds more marketable.

67570. The authority may designate a bank or trust company, qualified to do business in this state, as a trustee for the authority and the holders of bonds issued hereunder, and may authorize the trustee to act on behalf of the holders of the bonds, or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders.

67571. The authority shall fix and determine, in an indenture, the conditions upon which any indenture trustee shall receive, hold or disburse any or all revenues collected for or on account of the authority. The authority shall in an indenture prescribe the duties and powers of such indenture trustee with respect to the issuance, authentication, sale and delivery of the bonds and the payment of principal and interest thereof, the redemption of the bonds, the registration and discharge from registration of the bonds, and the management of any sinking fund or other funds provided as security for the bonds.

67572. The authority may issue bonds in series and may divide any series into one or more divisions and fix different maturities or dates of such bonds, different rates of interest, or prescribe different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof shall in each case be provided for by the authority, at or prior to the issue thereof. The authority may provide for successive issues or may provide for one maximum issue. The authority may provide that all bonds, or the bonds of any specified issue, shall be paid from and secured by all revenues of the authority, however derived, or from the revenues of the specified facilities, all in the manner and upon the terms set forth in the indenture.

67573. Bonds may be issued as coupon bonds or as registered bonds. The authority may provide for the interchange of coupon

bonds for registered bonds and registered bonds for coupon bonds, and may provide that the bonds shall be registered as to principal only, or as to both principal and interest, or otherwise as the authority may determine.

67574. Bonds shall bear interest at a rate of not to exceed 7 percent per annum, payable annually or semiannually, or in part annually and in part semiannually.

67575. Bonds may be callable upon such terms and conditions and upon such notice as the authority may determine, and upon the payment of the premium fixed by the authority in the proceedings for the issuance of the bonds. No bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise such call is expressly stated on the face of the bond.

67576. The authority may provide for the payment of the principal and interest of bonds at any place or places within or without the State of California, and in any specified lawful coin or currency of the United States of America.

67577. The authority may provide for the execution and authentication of bonds by the manual, lithographed or printed facsimile signature of officers of the authority, and by additional authentication by a trustee or fiscal agent appointed by the authority. If any of the officers whose signatures or countersignatures appear upon the bonds or coupons cease to be officers before the delivery of the bonds or coupons, their signatures or countersignatures are nevertheless valid and of the same force and effect as if the officers had remained in office until the delivery of the bonds and coupons.

67578. Bonds shall bear dates prescribed by the authority. Bonds may be serial bonds or sinking fund bonds with such maturities as the authority may determine. No bond by its terms shall mature in more than 50 years from its own date and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

67579. The authority may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The authority may sell bonds at less than their par or face value, but no issue of bonds may be sold at an aggregate price below the par or face value thereof if such sale would result in a net interest cost to the authority, calculated upon the entire issue so sold, of more than 7 percent per annum, payable semiannually, according to standard tables of bond values. All bonds issued and sold for cash pursuant to this chapter shall be sold on sealed proposals to the highest bidder, either bidding alone or in conjunction with others, after advertising for bids by publication of notice of sale once, not less than 10 days prior to the date of sale, in a newspaper of general circulation printed and published in the City and County of San Francisco. The authority

may reject any and all bids submitted and may thereafter sell the bonds so advertised for sale at private sale to any financially responsible bidder, either bidding alone or in conjunction with others, under such terms and conditions as it deems most advantageous to its own interests, but the bonds shall not be sold at a price below that of the highest bid which was rejected. The authority may contract loans and borrow money through the sale of bonds to the United States of America or any of its departments or agencies, upon such terms and conditions as may be agreed to. Such bonds shall be subject to all other provisions of this chapter, except the requirement that bonds be sold on sealed proposals to the highest bidder after advertising for bids.

67580. The authority may provide in the proceedings for the issuance of bonds that the bonds and the interest thereon constitute such lien upon the revenues of the regional transit terminal or any part thereof acquired, constructed, or completed, improved or extended, by the authority as may be provided for in the indenture. The indenture may provide that the bonds shall be secured by revenues derived from the entire regional transit terminal or from revenues of only certain designated facilities therein.

67581. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the period required for construction of the regional transit terminal or any part thereof, and for a period not to exceed three years thereafter as may be provided for in the indenture.

67582. Pending the actual issuance or delivery of definitive bonds, the authority may issue temporary or interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, to be exchanged for definitive bonds when ready for delivery.

67583. All bonds, and the interest thereon, are exempt from all taxation by the State of California or any public corporation other than gift, inheritance and franchise taxes.

67584. The authority may provide for the issuance, sale or exchange of refunding bonds for the purpose of redeeming or retiring any bonds issued by the authority. All provisions of this chapter applicable to the issuance of bonds are applicable to the refunding bonds and to the issuance, sale or exchange thereof.

67585. Refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be refunded thereby, and in addition for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds, and the issuance of such refunding bonds. These expenses may include the difference in amount between the par value of the refunding bonds and any amount less than par for which the refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such refunding bonds from the date of sale thereof to the date of payment of the bonds to be refunded

or to the date upon which the bonds to be refunded will be paid pursuant to the call thereof or agreement with the holders thereof, and the premium, if any, necessary to be paid in order to call or retire the outstanding bonds and the interest accruing thereon to the date of the call or retirement.

67586. All bonds issued under the provisions of this chapter are negotiable instruments, except when registered in the name of a registered owner.

67587. The authority may apply to the State Treasurer under the Districts Securities Law (Division 10 (commencing at Section 20000) of the Water Code), as such law now reads or is hereafter amended to read, for the certification of any bonds issued by it as legal investments for savings banks and other funds, but such certification shall not be a condition precedent to the issuance of any bonds by the authority nor shall the State Treasurer have any jurisdiction over the expenditure of any proceeds of bonds certified by it. If the State Treasurer determines that the bonds are adequately secured and that the revenues of the authority applicable to the payment thereof are or probably will be sufficient to pay the principal and interest on the bonds, and if the State Treasurer certifies to that effect, the bonds so certified shall be eligible as legal investments for both public and private funds in the same manner as provided in the Districts Securities Law. The authority may issue bonds with or without such certification and shall not be precluded from issuing bonds subsequently without such certification notwithstanding the fact that earlier issues of bonds may have been certified as legal investments.

67588. Prior to the issuance of any bonds, the authority may commence in the Superior Court of the State of California, in and for the City and County of San Francisco, a special proceeding to determine the right to issue the bonds and their validity. Such proceedings shall be instituted and prosecuted in the same manner as provided by Sections 860 to 870, inclusive, of the Code of Civil Procedure, as these sections now read or may hereafter be amended to read, and these sections apply to and govern all such proceedings instituted under this chapter. Such proceeding is a proceeding in rem and the judgment rendered therein is conclusive against all persons whomsoever and against the State of California.

67589. No indenture need be recorded or filed in any public office, other than the office of the authority. The pledge of revenues provided in any indenture shall take effect forthwith as provided therein, and irrespective of the date of receipt of such revenues by the authority or the indenture trustee. Such pledge shall be effective as provided in the indenture without physical delivery of the revenues to the authority, or to the indenture trustee.

67590. Subject to any applicable provisions which may be contained in an indenture, the authority may invest any available funds in bonds issued by it and may hold, cancel or resell such bonds.

67591. While any bonds issued by the authority remain

outstanding and unpaid, the power of the authority to establish, levy and collect rents, fees and other charges in connection with the regional transit terminal shall not be diminished or impaired.

**Article 5. Acquisition, Construction, Completion, Improvement, Betterment, and Extension of the Regional Transit Terminal**

67600. After the transbay transit terminal has been transferred to the authority, it may thereafter proceed with construction of the regional transit terminal. It may also thereafter enlarge or extend the regional transit terminal if such enlargement or extension is, in its judgment, necessary or convenient for the development of transportation service in the San Francisco Bay area. Such terminal or enlargement or extension thereof shall be constructed in such a manner that it conforms to building codes of the City and County of San Francisco.

67601. The authority has full charge of the acquisition, construction, and completion of the regional transit terminal or any part thereof authorized by it. The authority may construct the regional transit terminal or any part thereof and acquire all property necessary therefor on such terms and conditions as it deems advisable or may contract with a developer for such work. The authority, without awarding a contract for the construction of the regional transit terminal or any part thereof, may do the work directly and may purchase the materials, hire labor, and do all other things necessary for the doing of the work. When any part of the work is to be done or performed by any department or agency of the United States of America or the State of California or any city, county, district or other public corporation, jointly or in connection with the authority, the portion of the cost thereof to be borne by the authority may be turned over to the department, or agency, or political subdivision or public corporation to be expended by it in the acquisition, construction, or completion of the regional transit terminal or any part thereof.

67602. Title to all property acquired by the authority and the revenues and income therefrom, is in the name of the authority. The title to any moneys, revenues, sinking funds, reserve funds and other funds of the authority and the income thereof pledged to the payment of the principal or any interest on any bonds issued hereunder is subject to the trusts hereby created in favor of the bondholders. The management, operation and control of the regional transit terminal and of every part thereof acquired, constructed or completed by the authority shall be vested in the authority; provided, however, that any indenture may contain provisions with respect to the exercise thereof.

67603. The authority may use for the payment of the cost of acquisition, construction, completion, additions, betterments, extensions and repairs of the regional transit terminal or any part

thereof any funds made available to the authority to be expended for the accomplishing of the purposes set forth in this title or the proceeds of bonds issued and sold by the authority, subject to the provisions of any applicable indenture.

67604. The authority may insure against any accident to or destruction of the regional transit terminal or any part thereof. Any money collected on such insurance shall be used for the purpose of repairing or rebuilding the facility or any part thereof damaged, injured or destroyed, or for the retirement of any bonds issued by the authority as may be set forth in the indenture authorizing the issuance of the bonds.

67605. The authority may insure against loss of revenues from any cause whatsoever and the proceeds of any such insurance shall be used as provided in the indenture securing any then outstanding bonds of the authority.

67606. The authority may insure against public liability or property damage. It may provide in the proceedings authorizing the issuance of any revenue bonds for the carrying of such or any other insurance, in such amount and of such character as may be specified, and for the payment of the premiums thereon.

**Article 6. Rents, Rates, Fees, and Charges**

67610. (a) If the authority contracts with a developer for design, construction, operation, and management of the regional transit terminal, such contract shall require the developer to make annual payments to the authority sufficient in amount to meet all obligations assumed by the authority under the provisions of any bond indenture, including, but not limited to, annual interest, principal payments, operating costs of the authority, and maintenance costs incurred by the authority.

(b) If the authority itself undertakes operation of the regional transit terminal, it shall fix rents, rates, fees, and charges for occupancy or use of the facilities thereof in compliance with the terms of any applicable indenture.

67611. Subject to such contractual obligations as may be entered into by the authority and the holders of bonds issued under this chapter, the authority is authorized to change such rates, rents, fees, and charges from time to time as conditions warrant.

67612. All rates, rents, fees, and charges shall comply with the provisions of any applicable indenture. The bond redemption and interest payments shall, to the extent provided in the indenture, constitute a first, direct and exclusive charge and lien on all such rates, rents, fees, charges, and other revenues and interest thereon received from the use and operation of the regional transit terminal, and on any sinking or other funds created therefrom; and all such rates, rents, fees, charges, and other revenues, together with interest thereon, shall constitute a trust fund for the security and payment of

such bonds and, except as and to the extent provided in the indenture with respect to the payment therefrom of expenses for other purposes including administration, operation, maintenance, improvements or extensions of the regional transit terminal or other purposes, shall not be used or pledged for any other purpose so long as such bonds, or any of them, are outstanding and unpaid.

67613. The authority may provide in an indenture that the rates, rents, fees, and charges established are minimum rates, rents, fees, and charges and subject to increase or decrease in accordance only with the terms of the indenture.

#### Article 7. Rights of Bondholders

67620. The holder of any bond may, for the equal benefit and protection of all holders of bonds similarly situated, do either of the following:

(a) By mandamus or other appropriate proceedings, require and compel the performance of any of the duties imposed upon the authority or assumed by it, its officers, agents, or employees under the provisions of any indenture, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction, or insurance of the regional transit terminal, or in connection with the collection, deposit, investment, application, and disbursement of the rates, rents, fees, charges, and other revenues derived from the operation and use of the terminal, or in connection with the deposit, investment, and disbursement of the proceeds received from the sale of bonds.

(b) By action or suit in equity, require the authority to account as if it were the trustee of an express trust, or enjoin any acts or things which may be unlawful or in violation of the rights of the holders of the bonds.

67621. The enumeration of the rights and remedies in Section 67620 does not exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds.

#### Article 8. Contributions and Cooperation

67625. The authority may accept contributions or appropriations from the United States of America, the State of California, or any department or agency of either thereof, or from any public corporation.

67626. The authority may cooperate and contract with the United States of America under any act of Congress heretofore or hereafter enacted authorizing or permitting such cooperation. The authority may enter into any contract, arrangement, or agreement with, and may cooperate with the Department of Transportation or any other department or agency of the State of California or any public corporation for the development, construction, improvement,

or maintenance of the regional transit terminal or any part thereof.

#### Article 9. Funds

67630. The proceeds from the sale of bonds shall be paid to any bank or trust company designated as the fiscal agent, trustee, or depository of the authority, as in this chapter provided. If a part of the cash proceeds of the sale or exchange of bonds is to be used for operating funds of the authority, such proceeds or part thereof shall be placed in any fund designated in the indenture pursuant to which the bonds are issued.

67631. The proceeds of the sale of bonds shall be deposited and disbursed as provided in the indenture authorizing the issuance of such bonds.

67632. Any surplus moneys which shall exist after the payment in full of all costs of acquisition, construction, and completion of the regional transit terminal or any part thereof for which the bonds were issued, may be paid out and disbursed as provided in the indenture.

67633. The authority shall, in any indenture, designate a trustee or fiscal agent, which shall be a bank or trust company, or banks or trust companies, duly qualified to do business in this state, to receive the proceeds of such bonds and to hold the same separate and apart from all other funds of the authority. Such moneys shall be paid out and disbursed as provided in the indenture.

67634. The proceeds of the sale of bonds, held by any fiscal agent, trustee, or depository of the authority, not currently required to meet acquisition or construction costs or expenses payable from the construction fund, or interest on the bonds, may be invested in bonds and other obligations eligible for investment of surplus county moneys, subject to such limitations as may be provided in the indenture. Any income or interest thereon shall be added to and become a part of the particular fund upon which such interest or income accrues.

67635. All revenues received from the operation of the regional transit terminal shall be paid over by the authority, to any fiscal agent, trustee, or depository appointed by the authority, as provided in the indenture. The authority may, in its absolute discretion, fix the terms and conditions upon which the fiscal agent or trustee or trustees shall receive, hold, and disburse such revenues, and may prescribe the duties and powers of such fiscal agent, trustee or trustees or depository in the indenture.

67636. Notwithstanding any of the foregoing provisions of this article, the indenture may specify the fund or funds into which any part of the proceeds from the sale of the bonds shall be paid and the uses of such fund or funds. The revenues likewise may be payable into such fund or funds as may be provided in the indenture and shall be used only as authorized in the indenture.

## Article 10. General Authority

67640. The authority and its officers and agents may perform such acts and enter into such agreements, not inconsistent with law, as may be necessary or desirable in connection with the duties and powers conferred upon the authority by this chapter, including all such acts or agreements in connection with acquiring, constructing, completing, maintaining, operating, repairing, insuring, or replacing the regional transit terminal or any part thereof, for the safeguarding of funds and revenues required for the purposes of this chapter, and for the payment of the bonds issued pursuant to this chapter. Without limiting the generality of the foregoing, the authority may lease out all or any part of the regional transit terminal.

SEC. 2. The property to be transferred to the San Francisco Bay Area Transportation Authority under this act is located in the City and County of San Francisco and is described as follows:

## Parcel 1

Beginning at a point of intersection of the Southwesterly line of First Street with the Southeasterly line of Minna Street; running thence Southeasterly along said line of First Street 155 feet to the Northwesterly line of Natoma Street; thence at a right angle Southwesterly and along said line of Natoma Street 476.5 feet; thence at a right angle Northwesterly 75 feet; thence at a right angle Southwesterly 33.5 feet; thence at a right angle Northwesterly 80 feet to the Southeasterly line of Minna Street; thence at a right angle Southeasterly and along said line of Minna Street 510 feet to the point of beginning.

Being portion of 100 Vara Block No. 347.

Containing 76,538 square feet more or less.

## Parcel 2

Beginning at the point of intersection of the Southwesterly line of Fremont Street and the Southeasterly line of Mission Street; running thence Southwesterly along said line of Mission Street 275 feet to the Northeasterly line of First Street; thence at a right angle Southeasterly along said line of First Street 350 feet to the Northwesterly line of Natoma Street; thence at a right angle Northeasterly along said line of Natoma Street 275 feet to the Southwesterly line of Fremont Street; thence at a right angle Northwesterly along said line of Fremont Street 350 feet to the point of beginning.

Being portion of 100 Vara Block No. 341.

Containing 96,250 square feet more or less.

## Parcel 3

Beginning at a point on the Southwesterly line of Beale Street, distant thereon 163.33 feet Northwesterly from the Northwesterly

line of Howard Street; running thence Northwesterly along said line of Beale Street 203.33; thence at a right angle Southwesterly 275 feet to the Northeasterly line of Fremont Street; thence at a right angle Southeasterly along said line of Fremont Street 183.33 feet; thence at a right angle Northeasterly 265 feet; thence Southeasterly in a direct line 22.36 feet to the point of beginning.

Being portion of 100 Vara Block No. 335.

Containing 50,516 square feet more or less.

SEC. 3. There is hereby appropriated to the Department of Transportation for support of the San Francisco Bay Area Transportation Terminal Authority, payable out of money in the funds in the schedules set forth below, the sum of \$75,000.

## Schedule:

- (1) From moneys in the Retail Sales Tax Fund available for transfer to the Transportation Planning and Research Account in the State Transportation Fund pursuant to Revenue and Taxation Code Section 7102, in excess of the first \$2 million available therefor, not to exceed \$75,000;
- (2) From the General Fund in the State Treasury, so much as may be necessary when added to the amount available under (1) above, to make a total of \$75,000 available for expenditure for the purposes of this appropriation;

provided that any moneys expended under Schedule (2) hereof shall be returned to the State Treasury, to be accredited to the General Fund, from moneys available in fiscal year 1975-76 in the Retail Sales Tax Fund for transfer to the Transportation Planning and Research Account in the State Transportation Fund pursuant to said Revenue and Taxation Code Section 7102, and provided further that expenditures from this appropriation shall be made by the Department of Transportation for the purpose of matching funds contributed or advanced to the San Francisco Bay Area Transportation Terminal Authority from other sources.

No franchise grant shall in any way or to any extent impair or affect the right of the City now or hereafter conferred upon it by law to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge either for a term or in perpetuity the City's right to eminent domain with respect to any public utility.

**SECTION 1406. MINIMUM COMPENSATION.** No new franchise or the renewal of an existing franchise shall be granted without reserving to the City just and adequate compensation.

**SECTION 1407. ARTICLE NOT APPLICABLE TO CERTAIN CASES.** Nothing in this Article shall be construed as applying to or requiring the operators of refrigeration or storage utilities or the carriers of freight or passengers not operating over a fixed route, or other public utilities or services not specifically described in this Article, to obtain a franchise to operate within the City unless required so to do by ordinance of the City of Modesto.

**SECTION 1408. EXERCISING RIGHT WITHOUT FRANCHISE.** The exercise by any person, firm or corporation of any privilege for which a franchise is required without procuring such franchise shall be a misdemeanor, and each such day that such condition continues shall constitute a separate violation.

#### **ARTICLE XV. SCHOOL SYSTEM**

**SECTION 1500. BOARD OF EDUCATION.** The control, management and administration of the public schools of the City of Modesto, and the territory that is now or may hereafter be annexed thereto for school purposes, in accordance with the Constitution and general laws of the State of California, are hereby vested in a Board of Education. In all matters not specifically provided for in this Article, the Board shall be governed by the provisions of the general law relating to such matters and shall be vested with all the powers and charged with all the duties provided by the laws of the State for city boards of education. The Board of Education shall be the governing body of the Modesto City School District of Stanislaus County and the Modesto High School District of Stanislaus County. The Board of Education shall consist of five (5) members who shall serve without compensation. The members of the Board of Education shall be elected at large from the territory within the boundaries of the school district or districts which are under the jurisdiction of the Board. The members of the Board of Education shall hold office for a period of four (4) years from and after the first Tuesday following their election and continuing until their successors are elected and have qualified. No person shall be eligible to be nominated for or to hold office as a member of the Board of Education unless he is and shall have been for at least three (3) years preceding his election or appointment a resident and registered elector of the school district or districts which are under the jurisdiction of the Board of Education.

If a vacancy shall occur on the Board of Education, the Board shall forthwith appoint a person to fill such vacancy. Said appointee shall hold office until his successor is duly elected at the next general municipal election and has qualified. The members of the Board of Education shall be subject to recall as provided in this Charter.

All territory included within the limits of any school district or districts which are under the jurisdiction of the Board of Education, but not within the City limits, shall be deemed a part of the City for the purpose of holding municipal elections and shall constitute one or more separate election precincts, and the qualified electors therein shall vote only for members of the Board of Education and on questions submitted to a vote of the people at special or general elections pertaining to school matters.

The members of the Board of Education in office at the time this Charter takes effect shall continue in office until the expiration of their terms. Their successors shall be elected for a term of four (4) years at the general municipal election to be held during the year each of said respective terms expires, it being the intention of this section that the terms of the five (5) members shall be staggered, three (3) members being elected at the General Municipal Election to be held in 1963, and two (2) members being elected at the General Municipal Election to be held in 1965, and staggered accordingly successively thereafter at each General Municipal Election.  
(As amended April 20, 1971)

#### ARTICLE XVI. MISCELLANEOUS

**SECTION 1600. EFFECTIVE DATE OF CHARTER.** The provisions of this Charter shall become effective immediately when the concurrent resolution of the Legislature approving this Charter is filed with the Secretary of State.

**SECTION 1601. VALIDITY OF CHARTER. SEVERABILITY.** If any provision of this Charter, or the application thereof to any person or circumstances is held invalid, the remainder of the Charter and the application of such provision to other persons or circumstances shall not be affected thereby.

**SECTION 1602. VIOLATION OF CHARTER AND ORDINANCES.** The violation of any provision of this Charter or of any ordinance of the City shall be deemed a misdemeanor, and may be prosecuted by the authorities of the City in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. The maximum penalty upon conviction for the violation of any provision of this Charter, or of any ordinance of the City, shall be by a fine of not exceeding \$1000 or by imprisonment for a term of not exceeding one year or by both such fine and imprisonment. Any person sentenced to imprisonment for the violation of a provision of this Charter or of any ordinance may be imprisoned in the City jail, or, if the Council by ordinance shall so prescribe in the county jail of the county in which the City of Modesto is situated, or any road camp established in Stanislaus County, in which case the expense of such imprisonment shall be a charge in favor of such county against the City of Modesto.

**SECTION 1603. DEFINITIONS.** Unless the provisions or the context otherwise require, as used in this Charter.

- (a) "Shall" is mandatory and "may" is permissive;
- (b) "City" is the City of Modesto and "department," "board," "commission," "agency," "officer," or "employee," is a department, board, commission, agency, officer or employee, as the case may be of the City of Modesto;
- (c) "Council" is the Council of the City of Modesto;
- (d) A "member of the Council" means any one of the seven (7) members of the Council, including the Mayor;
- (e) A "Councilman" means any one of the members of the Council other than the Mayor;
- (f) "County" is the County of Stanislaus;
- (g) "State" is the State of California;
- (h) "Newspaper of general circulation within the City" is as defined by Section 6000 of the Government Code of the State of California;
- (i) "Public Utility or Service" as used in this Charter means the supply by the City to its inhabitants, or any portion thereof, with water, light, heat, power, transportation service or telephone, telegraph or wireless communication service, except that said term shall not include furnishing of sewer or sewage disposal services, drainage service, airport services or taxicab services; and
- (j) "Election" is the day of the election.