

## TITLE 48 CHAPTER 13. RIVER PARISHES TRANSIT AUTHORITY

### §1601. Short title

This Chapter shall be known and may be cited as the "River Parishes Transit Authority Act of 1976."

*Added by Acts 1976, No. 638, §1.*

### §1602. Definitions; terms defined

The following words and terms shall have the meaning indicated unless the context shall clearly indicate a different meaning:

- (1) "Authority" means the River Parishes Transit Authority.
- (2) "Board" means the board of commissioners and governing body of the authority.
- (3) "Area" means the territory comprising the parishes of St. Charles, St. James and St. John the Baptist.
- (4) "Local government" means any one of the parishes of St. Charles, St. James and St. John the Baptist.
- (5) "Governing body" means the legislative body, commission, council, police jury, or other body charged with governing the parish.
- (6) "Executive officer" means the chief executive officer or any other officer charged with the duties customarily imposed on the chief executive officer of the parish.
- (7) "Transit system" means all property, real or personal, used in the public transportation of passengers for hire except as are exempted in the body of the Act, including but not limited to power plants, substations, lines, poles, and wires, as may be required solely for the operation of the present and future transit system(s), terminals, garages, bridges, tunnels, carbarns, streetcars, buses, aerial structures, ferries, rails, stations, concessions, off-street parking, and other facilities for the comfort, safety and convenience of transit passengers, rights and licenses therefor.
- (8) "Transit project" means any unit, structure, facility, or undertaking in any combination which may be a component part of a transit system.
- (9) "Cost of transit system or project" means according to accepted principles of accounting, the total cost, paid or incurred, to study, plan, design, finance, acquire, construct, or otherwise develop the component parts of a transit system or transit project to a normal operating or revenue producing condition, including any relocation costs and the capitalization of expenses, direct or indirect, paid or incurred, in connection therewith. Without intending to limit in any way those expenses which may be capitalized as set forth in the preceding sentence, it is understood that such expenses shall include interest which it is estimated will accrue on obligations issued by the authority to finance the construction of any transit system or project during the construction period and for six months thereafter and all startup costs incurred in placing such system or project in operation.
- (10) "Federal government" means the United States of America, or any department, agency or instrumentality thereof.
- (11) "Intraparish activity or facility" means any route, within the system, whose origin and destination is situated solely within one parish; any construction, equipment, and facilities situated exclusively within and having direct and predominant impact upon such participating parish. Intraparish activities by way of illustration, may include but are not limited to, standards of service, scheduling, rates, terminals, garages, transit bridges, transit tunnels, carbarns, streetcars,

buses, transit rails, transit lines, transit poles, transit wires, stations, concessions, transit power plants and substations, parking and other facilities for the comfort, safety, and convenience of transit passengers, rights and licenses therefor.

- (12) "Interparish" means any route or portion of a route within the system; or construction, equipment, and facilities other than as defined in intraparish above.
- (13) "Bonds and notes" means bonds, including refunding bonds, notes, interim certificates, certificates of indebtedness authorized to be issued by an authority pursuant to this Act.
- (14) "Civil service" means the state civil service system.
- (15) "Private transit and operator" means any privately owned and operated transit operation that operates as a private enterprise within the authority's geographic area.
- (16) "Transportation related taxes" may include, but not necessarily be limited to gasoline tax, parking tax, licensed vehicle tax based upon vehicle weight and/or horsepower, airport head tax, taxicabs tax, etc.

*Added by Acts 1976, No. 638, §1.*

**§1603. Creation, domicile and purpose**

- A. There is hereby created the River Parishes Transit Authority, subject to the conditions hereinafter set forth, which shall be a body politic and corporate and a political subdivision of the state comprising all of the territory in the parishes of St. Charles, St. James, and St. John the Baptist. The domicile of the authority must be situated within one of the above named parishes, and the authority shall so designate, promulgate, and file such designation in accordance with law.
- B. The purpose for which the authority is created is to plan, design, lease (as lessee), purchase, acquire, hold, own, construct, improve, have an equity in, finance, maintain, and administer a transit system within the area, to operate same or contract therefor, and to lease (as lessor) same for operation by private parties.

*Added by Acts 1976, No. 638, §1; Acts 1999, No. 1371, §1.*

**§1604. Board of commissioners; membership, terms, vacancies**

- A. (1) The board of commissioners of the authority shall be composed of seven members to be appointed in the following manner:
  - (a) One member from each of the three parishes to be appointed by the governing authority of such parish.
  - (b) One member to be appointed by the governing authority of St. Charles Parish from a list of three nominees submitted by the St. Charles Business Association, one nominee submitted by the River Area Council of the New Orleans Regional Chamber of Commerce, and three nominees submitted by the Louisiana AFL-CIO.
  - (c) One member to be appointed by the governing authority of St. James Parish from a list of three nominees submitted by the St. James Business Association, one nominee submitted by the River Area council of the New Orleans Regional Chamber of Commerce, and three nominees submitted by the Louisiana AFL-CIO.

- (d) One member to be appointed by the governing authority of St. John the Baptist Parish from a list of three nominees submitted by the St. John Business Association, one nominee submitted by the River Area Council of the New Orleans Regional Chamber of Commerce, and three nominees submitted by the Louisiana AFL-CIO.
  - (e) One at-large member representing the local workforce investment board and appointed by a majority vote of the three parishes.
- (2) Each commissioner must be domiciled within the parish from which he is appointed, except for the one at-large member appointed by the governor and the one at-large member representing the workforce investment board, who must be domiciled within the state.  
(Changed – no Governor appointment, per MC email dated 2008-02-27)
- (3) All commissioners shall be subject to confirmation by the Senate.
- B. Such appointees may be either elected public officials or citizens holding no other public office, or both. Appointees to any agency, board, or commission of any of the parishes shall not be deemed as holding any other public office, provided such appointee shall not receive per diem from any such agency, board or commission.
- C. All initial terms shall begin September 15, 1999. After the initial terms have expired, appointments shall be concurrent with the terms of the appointing authority, except that a vacancy shall be filled for the unexpired portion of the term by the authority which made the original appointment. The at-large member appointed by the governor shall serve at his pleasure. A member of the authority may be appointed by the appropriate authority to succeed himself.
- D. Members of the board may be removed for just and reasonable cause at the discretion of the respective appointing authority. In case of abandonment of his office, conviction of a felony or a plea of nolo contendere thereto, the office of a member shall be vacant upon the declaration of the board. A member shall be deemed to have abandoned his office upon failure to attend any regular or special meeting of the board for a period of four months without an excuse approved by a resolution of the board, or upon change of his domicile from the parish which he represents on the authority.
- E. The board may establish a system by which each board member shall receive per diem or where the members shall be reimbursed for actual expenses incurred by him in the performance of his duties, as approved by the board. A board member who is not an employee in the state civil service system shall not be allowed employee benefits as authorized under Subsection J of this Section.
- F. The board shall elect from its members a chairman and vice chairman for terms to expire on December 31 of each year. The presiding officer of the board may continue to vote as any other member, notwithstanding his duties as presiding officer, if he so desires.
- G.
  - (1) The board shall hold at least one meeting each month. The secretary of the board shall give written notice to each member of the board at least five days prior to any meeting. The secretary shall be informed of any meeting to enable him to give notice as above.
  - (2) A quorum shall consist of five members. A quorum may exercise all the powers and perform all the duties of the board, except as otherwise provided or as limited by its bylaws. No vacancy in the original membership of the board or thereafter shall impair the power of the board to act. All meetings of the board, its executive committee, or any

committee appointed by the board, at which any official business is transacted shall be open to the public, and the minutes of the meetings and any documents or reports which are a part of or are referred to in the minutes shall be open to public inspection in accordance with reasonable rules and regulations prescribed by the board. The board shall furnish certified copies of such public records upon written request and upon payment of a reasonable charge therefor.

- H. The board shall appoint and employ, as needed, a general manager and his assistant, a secretary, a treasurer, and a general counsel, none of whom may be members of the board or a relative of a member of the board, and delegate to them such authority as it may deem appropriate. It may make such bylaws or rules and regulations as it may deem appropriate for the conduct of its own affairs, not inconsistent with this Chapter, including the establishment of an executive committee to exercise such authority as its bylaws may prescribe.
- I. The treasurer of the authority and such other officer and employees of the authority and such members of the board as the board may determine shall execute corporate surety bonds, conditioned upon the faithful performance of their respective duties. A blanket form of surety bond may be used for this purpose. Neither the obligation of the principal or the surety shall extend to any loss sustained by the insolvency, failure or closing of any depository which has been approved as a depository for public funds.
- J. All permanent employees of the authority, other than the commissioners, the secretary, the treasurer, the general counsel, and the general manager and his assistant shall be classified employees in the state civil service system and as such shall be eligible to participate in the Louisiana State Employees' Retirement System; however, no part-time employee shall participate in group insurance or retirement benefits. Consultants or other persons or groups furnishing services under contract, including but not limited to managerial, engineering, planning, or legal services, shall not be an employee of the state civil service system regardless of the length of their contracts or the nature of the services rendered.

*Added by Acts 1976, No. 638, §1; Acts 1999, No. 1371, §1.*

#### **§1605. General powers**

The authority shall have all powers necessary or convenient to accomplish the aforesaid purposes including, by way of illustration and not limitation, the following:

- A. The powers, privileges, and immunities authorized by law for private corporations and for instrumentalities of government. The authority may sue and be sued in its corporate name. The board may adopt and use a common seal for the authority and change it at its pleasure.
- B. The power to appoint, select, and employ officers, agents, and employees, including planning, engineering, architectural and construction experts, fiscal agents and attorneys, to contract for the services of individuals or organizations not employed full time by the authority, but who are engaged primarily in the rendition of personal services and not the sale of goods or merchandise, such as, but not limited to, the services of attorneys, accountants, engineers, architects, planners, consultants, and advisors, allowing them suitable compensation. Contracts for such services shall be awarded in accordance with applicable law.
- C. The power to acquire by lease (as lessee), grant, gift, exchange, purchase or otherwise own, and use any franchise, servitude, property (real or personal, tangible or intangible), or any interest

therein; and to sell, lease (as lessor), transfer, or dispose thereof or exchange same for other property or rights which are useful for its purposes.

- D. The power to acquire by gift, purchase, lease (as lessee), or otherwise, or to construct, improve, maintain, repair, operate or administer any component parts of a transit system, together as a system, or singly, or in groupings, as transit projects, or to contract for the maintenance, operation or administration thereof or to lease (as lessor) same for maintenance, operation or administration by private parties.
- E. The power to develop data, plans and information and develop and carry out transportation demonstration projects, including the development, testing and demonstration of new facilities, equipment, techniques and methods, and the improvement and utilization of transportation services and facilities, and any other means of developing, utilizing or improving transportation in the area. Also, in other respects, the power to conduct engineering, financial and economic studies, and to make plans, designs and tests related to transit projects. In connection therewith the authority may enter in a reasonable manner upon any lands, waters or premises for the purpose of making reasonable surveys, soundings, drillings, and examinations and such entries shall not be deemed a trespass except that the authority shall be liable for any actual and consequential damages resulting from such entries.
- F. The power to cooperate, participate, and coordinate with the federal government, or the state of Louisiana, or any agency, or instrumentality thereof, or any municipal governing body within the parish or instrumentality thereof, or the parish planning commission or any similar agency in the execution of any studies, plans or projects designed for the coordination of its transit system with other transportation in the area and with any comprehensive planning and development of the area.
- G. The power to make and execute all contracts and other instruments necessary or convenient to the exercise of the powers of the authority to include by way of illustration, but not limitation, the following contracted powers:
  - (1) The power to contract for managerial and operating services;
  - (2) The power to enter into contracts with the state of Louisiana and any agency, instrumentality or authority thereof and with any parish and municipal governments, for public transportation services to be rendered by the authority or its transit system, and for any other purposes incidental to the establishment and maintenance of its transit system, or any part or project thereof, including the payment of funds to subsidize the operations of such system if it should ever be necessary to do so, and the usual facilities related thereto;
  - (3) The power to make agreements with the federal government, the state of Louisiana, any agency, instrumentality or political subdivision thereof, for payments to the authority in lieu of fares for the transportation of personnel or other persons for whom such department, agency, instrumentality, or political subdivision desires such transportation; and
  - (4) The power to contract with any public utility, railroad or transportation company for the joint use of property rights, or for the establishment of through routes, joint fares or transfer of passengers.

- H. The power to apply for and accept grants or other assistance from the federal government or from any source whatever, to act as agent for the federal government, and to enter into contracts, loans, leases or other transactions with the federal government.
- I. The power to borrow money from private lenders, or from the federal government, or to the extent otherwise authorized by law, from the state of Louisiana or any local government within the area, in such amounts as may be necessary for the purposes of the authority and, in connection therewith to issue negotiable notes, bonds, refunding bonds and other evidences of indebtedness or obligations of the authority, and to secure the payment thereof, or any part thereof, by conventional mortgages and/or by pledge of its revenues, rentals, taxes and receipts, and to make such agreements with the purchasers or holders thereof, or with others in connection therewith, whether issued or to be issued as the board may deem advisable. But the authority shall have no power in any manner to pledge the property, credit or taxing power of any local government, nor shall any of its obligations be deemed to be obligations of any local government, nor shall any local government be liable for the payment of principal or interest on such obligations.
- J. Other provisions of the law to the contrary notwithstanding the power to fix, alter, charge and collect fares, rates, rentals and other charges for its facilities by zones or otherwise at reasonable rates to be determined exclusively by the board, subject to judicial review, as hereinafter provided.
- K. The power to provide for police and fire protection having jurisdiction over the facilities of the authority provided that the board may contract for such services with municipalities or parishes or both, or with private enterprise, within its jurisdiction.
- L. The power to plan, develop, build and operate, if in the authority's majority judgment it is desirable, a mass transit system between the facilities operated by the authority and to other points, and to acquire or contract with such other existing transit systems which private enterprise should no longer desire to operate, but whose continuity the authority deems necessary in the public interest.
- M. The power to make agreements with the federal government, the state of Louisiana, any agency, instrumentality or political subdivision thereof, for payments to the authority in lieu of fares for the transportation of personnel or other persons for whom such department, agency, instrumentality or political subdivisions desires such transportation.
- N. The power to make studies and establish procedures and regulations endeavoring to prevent air contamination and water and land pollution within its jurisdiction, and to coordinate the efforts of and cooperate with other governmental agencies dealing with the problems of pollution and the environment.
- O. The power to mortgage properties constructed or acquired by the authority, and to mortgage and pledge any lease or leases and the rents, income and other advantages arising out of any leases granted, assigned, or subleased by the authority.
- P. The power to operate visitor tolls, rental areas and to levy charges, tolls, fees, head taxes, and/or use taxes, and grant permits for admission to or for the use of its facilities; and to issue licenses and permits for operations and related activities conducted on, or between the facilities of the authority.

*Added by Acts 1976, No. 638, §1.*

**§1606. Fares; rates; rentals and charges**

- A. The board shall fix fares, rates, and rentals and charges in such amounts as shall be sufficient in the aggregate, when added to any other grants or funds available to the authority, to provide funds for the payment of the interest on and principal of all bonds, certificates and other obligations payable from said revenues and to meet all other encumbrances upon such revenues as provided by any agreement executed by the authority in connection with the issuance of bonds or certificates under this Act, and for the payment of all operating costs and expenses which shall be incurred by the authority, including provision for appropriate reserves.
- B. The term "charges" shall include revenues from contracts with local governments within the area under which the authority has agreed to render for them the public transportation service.
- C. The board shall determine after public hearings as hereinafter provided, the routes, types of constructions, equipment, facilities, and the scope and standards of service to be operated by the authority, the scheduled services to be made available to the public and the amounts to be charged therefor. Before making any determinations as to scheduled services or amounts to be charged therefor, the board shall first hold at least one public hearing after giving notice of the time and place by advertising three times on different days in at least the newspaper having the largest paid circulation in the area not more than ten days nor less than five days prior to the hearings. As to all other matters, the board may hold such public hearings as it may deem appropriate, and as to all public hearings, it may prescribe reasonable rules and regulations to govern such hearings not inconsistent with this Chapter.
- D. Prior to determining the basic routes over which the authority shall operate its system and stations connected therewith, the board shall consult with the local governing body of the territory involved, and, additionally, shall hold at least one public hearing within the territory of each local government within the area, at which hearing the local governing body, or its representative, and the public may be heard.

*Added by Acts 1976, No. 638, §1.*

**§1607. Revenue bonds**

In borrowing money and as a grant of power in addition to other authority to issue bonds, the board is authorized to issue revenue bonds of the authority with the approval of the State Bond Commission, for any purpose within the rights and powers delegated to the authority.

- A. The board is hereby authorized to pledge for the payment of the principal and interest of such negotiable bonds the fares, fees, rental charges and other income or revenue derived from the facilities and properties maintained and operated by the authority and any gifts, grants or contributions from any other sources whatsoever including, but not limited to, other monies which by law or contract may be made available to the authority. The board shall prescribe the conditions and details of such bonds and in addition to the pledges of income, revenues, etc., payment of bonds of the authority may be further secured by a conventional mortgage upon any and all of the properties constructed or acquired, or to be constructed and acquired by it.
- B. Such bonds shall be authorized and issued by a resolution of the board of the authority and shall be of such series, bear such date or dates, mature at such time or times not exceeding forty years from their respective dates, bear interest at such rate not exceeding eight per centum per annum, payable semiannually, be in such denominations, be in such form, either coupon or fully

registered without coupons, carry such registration and exchangeability privilege, be payable in such medium of payment and at such place or places, be subject to such terms or redemption not exceeding one hundred and five percent of the principal amount thereof, and be entitled to such priorities on the income, revenues and taxes of the authority as such resolution or resolutions may provide.

- C. The bonds shall be signed by the president and secretary of the board of commissioners of the authority, one of which signatures may be a facsimile, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signatures of such officers of the authority. Any such bonds may be issued and delivered, notwithstanding that one or more of the officers signing such bonds or the officer or officers whose facsimile signature or signatures may be upon the coupons shall have ceased to be such officer or officers at the time such bonds shall actually have been delivered.
- D. Bonds issued under the provisions of this Chapter shall be sold for not less than par and accrued interest to the highest bidder at public sale after advertisement by the board at least once a week for three weeks, with the first publication being not less than twenty-one days prior to the date of sale in a newspaper of general circulation with the jurisdiction of the authority, and in a financial newspaper or journal published in the city of New York or the city of Chicago, reserving to the authority the right to reject any and all bids and to readvertise for bids.
- E. Prior to the preparation of definitive bonds the board may issue interim receipts, interim certificates, or temporary bonds exchangeable for definitive bonds upon the issuance of the latter.
- F. The board may in any resolution authorizing the issuance of such bonds enter into such covenants with the future holder or holders of the bonds as to the management and operation of facilities, the lease or rental thereof, the imposition and collection of fees and charges for services and facilities furnished by the authority, the disposition of such fees and revenues, the issuance of future bonds and the creation of future liens and encumbrances against such facilities and the revenues therefrom, the carrying of insurance on the facilities, the keeping of books and records, and other pertinent matters, as may be deemed proper by the board to assure the marketability of the bonds, provided such covenants are not inconsistent with the provisions of this Chapter.

Any holder of the bonds or any of the coupons thereto attached may by appropriate legal action compel performance of all duties required of the authority and officials of the authority by this Chapter.

- G. If any bond issued under the provisions of this Chapter is permitted to go into default as to principal or interest, any court of competent jurisdiction may pursuant to the application of the holder of the bond, appoint a receiver for the facilities of the authority, which receiver shall be under the duty of operating the facilities and collecting and distributing the revenues thereof pledged to the payment of the bonds, pursuant to the provisions and requirements of this Chapter and the resolution authorizing the bonds.
- H. Such bonds may in the discretion of the board be additionally secured by conventional mortgage on all or any part of the properties or facilities acquired, constructed, extended or improved with the proceeds thereof, and the board shall have full discretion to make such provisions as it may see fit for the making and enforcement of such mortgage and the provisions to be therein contained.

If more than one series of bonds issued under the provisions of this Chapter is payable from the revenues of any facility, priority of lien on such revenues shall depend on the time of delivery of the bonds, each series enjoying a lien prior and superior to that enjoyed by any series of bonds subsequently delivered, except that where provision is made in the proceedings authorizing any issue or series of bonds for the issuance of additional bonds in the future on a parity therewith pursuant to procedure or restrictions provided in such proceedings, additional bonds may be issued in the future on a parity with such issue or series in the manner so provided in such proceedings. As to any issue or series of bonds which may be authorized as a unit but delivered from time to time in blocks, the board may in the proceedings authorizing the issuance of the bonds provide that all of the bonds of the series or issue shall be coequal as to lien regardless of the time of delivery.

- I. The board may issue bonds of the authority under the provisions of this Chapter payable from the revenues to be derived from any facility owned and operated by the authority, whether or not facilities are related or used in conjunction, for the purpose of constructing, acquiring, extending or improving any one or more of the facilities, which bonds may be additionally secured by a conventional mortgage upon such facilities and the taxes authorized to be imposed hereunder.
- J. The board is hereby authorized to provide by resolution for the issuance of refunding bonds of the authority for the purpose of refunding outstanding bonds issued pursuant to the provisions of this Chapter. Such refunding bonds may either be sold and the proceeds applied to or deposited in escrow for the retirement of the outstanding bonds, or may be delivered in exchange for the outstanding bonds. The refunding bonds shall be authorized in all respects as original bonds all herein required to be authorized, and the board in authorizing the refunding bonds of the authority shall provide for the security of the bonds, the sources from which the bonds are to be paid and for the rights of the holders thereof in all respects as herein provided for other bonds issued under authority of this Chapter. The board may also provide that the refunding bonds shall have the same priority of lien on the revenues pledged for their payment as was enjoyed by the bonds refunded. No bonds may be refunded hereunder unless they either mature or are callable for redemption under their terms within ten years from the date of issuance of the refunding bonds, or unless the bidders thereof voluntarily surrender them for exchange or payment.
- K. The board is hereby authorized to provide in the resolution authorizing the issuing of bonds under the provisions of this Chapter that such bonds shall recite that they are issued under authority of this Chapter. Such recital shall conclusively import full compliance with all of the provisions of this Chapter and all bonds issued containing such recital shall be incontestable for any cause whatsoever after their delivery for value after thirty days from the date of publication of the resolution authorizing their issuance.
- L. No proceedings in respect to the issuance of any such bonds shall be necessary except such as are contemplated by this Chapter. For a period of thirty days from the date of publication of the resolution authorizing the issuance of bonds hereunder, any person or persons in interest shall have the right to contest the legality of the resolution and the legality of the bond issue for any cause, after which time no one shall have any cause or right of action to contest the legality of said resolution or of the bonds authorized thereby for any cause, whatsoever. If no suit, action or proceedings are begun contesting the validity of the bonds within thirty days herein prescribed,

the authority to issue the bonds and to provide for the payment thereof, the legality thereof and of all of the provisions of the resolution authorizing the issuance of the bonds shall be conclusively presumed, and no court shall have authority to inquire into such matters. Such bonds shall have the qualities of negotiable instruments under the law merchant and the laws pertaining to commercial papers of the state of Louisiana.

- M. Upon the payment in full in principal and interest of all bonds of the authority issued by the board under the terms of this Chapter and secured by all or any portion of any tax or other source of income or revenue authorized therein, or upon the irrevocable deposit of sufficient funds for the payment and redemption of all such bonds in principal, interest and redemption premiums, if any, to their respective maturity or call dates, the levy of any such tax shall be discontinued and terminated. If no bonds of the authority have been issued, by the board secured by all or part of the proceeds of any such tax, the tax may be terminated at any time by resolution of the board and in the absence of a resolution terminating it, it shall terminate automatically five years from the date of the adoption of the resolution imposing the tax.
- N. The board may pledge all or any part of the proceeds of the aforesaid tax to the payment of bonds authorized pursuant to this Chapter under such terms and conditions consistent with the provisions of this Chapter as the board may prescribe and as are contained in the resolution or resolutions providing for the issuance of such bonds.
- O. When any bonds shall have been issued hereunder secured by all or any portion of any tax, neither the legislature, the authority, nor any power may discontinue or decrease the tax or permit to be discontinued or decreased the tax in anticipation of the collection of which such bonds have been issued, or in any way make any change in the allocation and dedication of the proceeds of such tax which would diminish the amount of tax revenues to be received by the authority until all of such bonds shall have been retired as to principal and interest and irrevocable provisions otherwise made for their complete redemption and payment in principal and interest and redemption premium, if any.
- P. Prior to the issuance of any bonds hereunder, any revenue of the authority derived from any source whatsoever, including any tax authorized herein, may be used by the authority for the payment of any expenses incurred in determining the feasibility of a facility or facilities or any aspects of the authority's operation and developing plans therefor, including engineering, architectural, legal and administrative costs and fees incidental thereto. It being incumbent upon the authority to pay only such fees and such amounts as are current in the market at the time of the sale, in such a manner to assure that the public interest has been protected.
- Q. The authority shall invest its idle funds in accordance with the Investment of Idle Funds Act.  
*Added by Acts 1976, No. 638, §1.*

#### **§1608. Equipment trust certificates**

The board shall have continuing power to purchase equipment, and in connection therewith execute agreements, leases or equipment trust certificates in the form customarily used and appropriate to effect such purchase. The board may issue equipment trust certificates in a manner similar to that provided for bonds under Section 1607. All money required to be paid by the authority under the provisions of such agreements, leases and equipment trust certificates shall be payable solely from the fares, fees, rentals, charges, revenues and earnings of the authority, monies derived from the sale of any surplus property of

the authority and gifts, grants and contributions from any source whatever. Payment for such equipment or rentals therefrom, may be made in installments; the deferred installments may be evidenced by equipment trust certificates payable solely from the aforesaid revenues or receipts, and title to such equipment may or may not vest in the authority until the equipment trust certificates are paid.

*Added by Acts 1976, No. 638, §1.*

**§1609. Eminent domain**

The authority shall have no power of eminent domain, but the parishes may, for purposes of the authority, exercise the broadest power of eminent domain available to them or any agency or joint agency thereof, under any statute, and convey to the authority any property so acquired upon payment or credit for the total cost of any acquisition hereunder. However, no local governing body shall exercise any power of eminent domain hereunder with respect to property located beyond its territorial limits.

*Added by Acts 1976, No. 638, §1.*

**§1610. Competitive bidding**

- A. Except in the acquisition of unique property, all purchases, acquisitions, contracts, leases, bond sales, etc., of the authority referred to in the provisions of this Chapter shall be conducted in accordance with the public bid laws of this state where an expenditure in excess of one thousand dollars is involved.
- B. The authority may dispose of property by contract as provided for herein. Property shall be sold only to the highest responsible bidder only after the property has been advertised for disposition once a week for two successive weeks in the newspaper having the largest paid circulation in the parish in which the property is located and in the parish where the board is domiciled. The advertisement shall accurately describe the property to be sold, shall name the place where the property is located or otherwise available for public inspection and the place, date, and time, that the bids shall be publicly presented, opened and read. All such bids shall be opened and read on the same day presented.

*Added by Acts 1976, No. 638, §1.*

**§1611. Conflict of interest**

- A. Every member of the board and every employee of the board or the authority who knowingly has any interest direct or indirect in any contract to which the authority is or is about to become a party, or in any other business of the authority, or in any firm or corporation doing business with the authority, shall make full disclosure of such interest to the board and, if a board member, to his appointing authority. Failure to disclose such an interest shall constitute cause for which a board member may be removed by the appointing power, or an employee discharged or otherwise disciplined at the discretion of the board.
- B. Provisions of Parts I and II of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950<sup>1</sup>, regulating the conduct of public employees shall be applicable to the conduct of its board members, officers, employees and agents of the authority.
- C. Any contract or transaction of the authority involving a conflict of interest not disclosed under Subsection A hereof, or a violation of any other provision of law applicable to the authority, its board members, officers, or employees regulating conflicts of interest, shall be voidable by the

board provided such action does not adversely affect the interest of innocent third parties. It is expressly provided, however, that this provision shall not apply to any indenture, agreement, contract or transaction which constitutes security, direct or indirect, for the payment of bonds or other obligations of the authority and the judgment and order confirming and validating any such bonds or other obligations as provided for in Section 1507<sup>2</sup> hereof, shall constitute a final and conclusive adjudication as to any such security.

*Added by Acts 1976, No. 638, §1.*

<sup>1</sup>*Sections 1101 and 1111 et seq.*

<sup>2</sup>*Should probably be 1607.*

#### **§1612. Financial accounts; audits; reports**

The board shall make provision for a system of financial accounting and controls, audits and reports.

Copies of each financial report required under this Section shall be furnished to each local governing body in the area. All financial reports, reports and documents of the authority shall be public records and open to public inspection under reasonable regulations prescribed by the board and other applicable law.

*Added by Acts 1976, No. 638, §1.*

#### **§1613. Budgets; procedures**

- A. The board shall make provisions for an annual operating budget and an annual capital improvements budget. Copies of each budget, proposed or as finally adopted, shall be furnished to each local governing body in the area.
- B. During each fiscal year the board shall propose an annual operating budget and an annual capital improvements budget for the ensuing fiscal year and hold a public hearing thereon. After such public hearing the board shall review its proposed budgets, and on or before the last day of the fiscal year, it shall adopt an annual operating budget and an annual capital improvements budget for the ensuing fiscal year.

*Added by Acts 1976, No. 638, §1.*

#### **§1614. Tax and regulatory exemptions**

- A. The authority shall not be required to pay any taxes or assessments upon any property acquired or used by it under the provisions of this Chapter. The income therefrom shall be exempt from taxation of any type by the state of Louisiana and by any parish, municipality or political subdivision of the state. In the event of any lease of authority property, or any other arrangement which amounts to a leasehold interest to a private party, this exemption shall not apply to the value of such leasehold interest, nor shall it apply to the income of the lessee. Otherwise, however, and for purposes of taxation, when property of the authority is leased to private parties to be employed solely for purposes of the authority, the acts and activities of the lessee shall be considered as the acts and activities of the authority and the exemption hereunder shall apply to such acts and activities.
- B. Except as provided herein, the authority shall not be subject in any respect to the authority, control, or supervision of any regulatory body of the state including but not limited to the public service commission or any political subdivision thereof, but its books and records shall be subject to audit annually by the legislative auditor.

*Added by Acts 1976, No. 638, §1.*

**§1615. Participation by local government; alternative methods of financing**

- A. Provision for a mass transit system within the area is declared for the purposes of this Chapter to be an essential governmental function and a public purpose of the parishes of St. Charles, St. James and St. John the Baptist.
- B. The board and the local governing body of these parishes, subject to such limitations as are hereinafter in this Section set forth, may negotiate and determine the extent of financial participation and the time or times such financial participation may be required with respect to each of the local governments in order to finance the provision for a mass transit system through the joint instrumentality of the authority. If such determination contemplates a contractual obligation on the part of a local government to make payments to the authority over a period of time exceeding one year or to issue any bonds or other obligations evidencing indebtedness, such determination shall take the form of a mass transit contract to be entered into between the authority and the local government. The final execution of a mass transit contract shall be completed in every instance in the manner hereinafter set forth in this Section.
- C. As one method of providing the financial participation determined by its local governing body to be its proper share of the cost of financing a mass transit project or projects, a local government may in the manner prescribed by law and subject to the conditions and limitations prescribed by law, issue its general obligation bonds, pay over the proceeds thereof to the authority and thereby complete and make final the execution of the proposed mass transit contract anticipated by such bond authorization and issuance and the authority shall agree in such contract to perform for such local government the aforesaid governmental function and to provide specified public transportation services and facilities.
- D. As an alternative method of providing the financial participation determined by its local governing body to be its proper share of the cost of financing a mass transit project or projects, a local government may enter into mass transit contract or contracts calling for the authority to perform for it the aforesaid governmental function and calling for it to make periodic payments to the authority for the public transportation services and facilities contracted for, which payments may include amounts required to defray the periodic principal and interest payments on any obligations issued by the authority for the purpose of financing the cost of any mass transit project or projects, amounts necessary to establish and maintain reasonable reserves to insure the payment of said debt service and to provide for renewals, extensions, repairs and improvements and additions to the mass transit system, and amounts required to defray any operational deficit which the system or any part thereof may incur from time to time.
- E. Before a mass transit contract such as is described in Subsection D shall become valid and binding on a local government which is a party thereto, the same must have been approved by a majority of the qualified voters of the local government voting in a referendum held in accordance with the statutory and constitutional provisions of this state governing elections. If a majority of those voting in such an election vote in favor of the proposition submitted then the mass transit contract as approved shall become valid and binding in accordance with its terms.
- F. A local government may elect any method provided in this Section to finance the participation required of it in whole or in part, and the election of one method shall not preclude the election of

another method with respect thereto or with respect to any additional or supplementary participation determined to be necessary.

- G. When the authority and a local government have completed and fully executed a mass transit contract in compliance with the requirements of this Chapter, and the voters shall have approved such contract as herein provided, such contract shall constitute an obligation on the part of the local government for the payment of which its good faith and credit are pledged.

*Added by Acts 1976, No. 638, §1.*

**§1616. Taxing power**

The authority is hereby authorized to participate in any new or additional tax related to transit and/or transportation that may be imposed in the future by the state legislature, provided, however, that the proceeds from said statewide tax will be prorated to all parishes in the state on a population formula for use by said parishes for transit and/or transportation purposes.

*Added by Acts 1976, No. 638, §1.*