

AMENDED IN SENATE AUGUST 5, 2002

AMENDED IN SENATE JUNE 19, 2002

AMENDED IN ASSEMBLY MAY 24, 2002

AMENDED IN ASSEMBLY APRIL 22, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2424

**Introduced by Assembly Member Goldberg
(Coauthor: Assembly Member Firebaugh)**

February 21, 2002

An act to amend Section 17070.15 of, and to add Article 13 (commencing with Section 17078.80) to Chapter 12.5 of Part 10 of, the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2424, as amended, Goldberg. Local school construction authority.

Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.

This bill would authorize a school district, as defined, to form a districtwide local school construction authority to perform the school construction duties of the school district, as prescribed, and would require the State Allocation Board to adopt regulations for expedited

release of funds for approved projects administered by a local school construction authority.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

- 1 SECTION 1. Section 17070.15 of the Education Code, as
- 2 amended by Chapter 33 of the Statutes of 2002, is amended to read:
- 3 17070.15. The following terms, wherever used or referred to
- 4 in this chapter, shall have the following meanings, respectively,
- 5 unless a different meaning appears from the context:
- 6 (a) “Apportionment” means a reservation of funds for the
- 7 purpose of eligible new construction, modernization, or hardship
- 8 approved by the board for an applicant school district.
- 9 (b) “Attendance area” means the geographical area serving an
- 10 existing high school and those junior high schools and elementary
- 11 schools included therein.
- 12 (c) “Board” means the State Allocation Board as established
- 13 by Section 15490 of the Government Code.
- 14 (d) “Department” means the Department of General Services.
- 15 (e) “Committee” means the State School Building Finance
- 16 Committee established pursuant to Section 15909.
- 17 (f) “Modernization” means any modification of a permanent
- 18 structure that is at least 25 years old, or in the case of a portable
- 19 classroom, that is at least 20 years old, that will enhance the ability
- 20 of the structure to achieve educational purposes.
- 21 (g) “Property” includes all property, real, personal or mixed,
- 22 tangible or intangible, or any interest therein necessary or
- 23 desirable for carrying out the purposes of this chapter.
- 24 (h) “School district” means a school district, a county office of
- 25 education, or a local school construction authority formed
- 26 pursuant to Article 13 (commencing with Section 17078.80). For
- 27 purposes of determining eligibility under this chapter, “school
- 28 district” may also mean a high school attendance area.
- 29 (i) “Fund” means the 1998 State School Facilities Fund, the
- 30 2002 State School Facilities Fund, or the 2004 State School
- 31 Facilities Fund, as the case may be, established pursuant to Section
- 32 17070.40.



1 (j) “County fund” means a county school facilities fund
2 established pursuant to Section 17070.43.

3 (k) “Portable classroom” means a classroom building of one
4 or more stories that is designed and constructed to be relocatable
5 and transportable over public streets, and with respect to a single
6 story portable classroom, is designed and constructed for
7 relocation without the separation of the roof or floor from the
8 building and when measured at the most exterior walls, has a floor
9 area not in excess of 2,000 square feet.

10 (l) “School building capacity” means the capacity of a school
11 building to house pupils.

12 SEC. 2. Article 13 (commencing with Section 17078.80) is
13 added to Chapter 12.5 of Part 10 of the Education Code, to read:

14
15 Article 13. Local School Construction Authority

16
17 17078.80. (a) A school district may form a districtwide local
18 school construction authority pursuant to this article for the
19 purpose of performing the tasks necessary for the completion of
20 a project pursuant to this chapter.

21 (b) A local school construction authority formed pursuant to
22 this article shall be established by a resolution of the school district
23 governing board and shall be governed by a local school
24 construction governing board composed, as follows:

25 (1) Five members appointed by the school district governing
26 board as follows:

27 (A) Three members with technical expertise in various aspects
28 of school facilities construction or modernization.

29 (B) Two community representatives.

30 (2) Either of the following:

31 (A) If there is only one city within the school district, three
32 members *with technical expertise in various aspects of school*
33 *construction or modernization* shall be appointed by the city
34 council.

35 (B) If there is more than one city within the school district, two
36 members *with technical expertise in various aspects of school*
37 *construction or modernization* shall be appointed by the city
38 council of the largest city and one member *with technical expertise*
39 *in various aspects of school construction or modernization* shall be
40 appointed by the city council of a smaller city. If there is more than



1 one smaller city, and the project is likely to be built in one of the
2 smaller cities, the city council of that city shall make the smaller
3 city appointment.

4 (c) In addition to the members appointed pursuant to
5 subdivision (b), for projects to be located in a city other than the
6 largest city of a school district with more than one city, the city
7 council of the city in which the project is to be located may appoint
8 three additional members as follows:

9 (1) Two members with technical expertise in various aspects of
10 school facility construction or modernization.

11 (2) One community representative.

12 (d) In addition to the members appointed pursuant to
13 subdivision (b), if the project is ~~proposed by the county office of~~
14 ~~education in an unincorporated area of the county where the~~
15 ~~school district is located~~, an additional member shall be appointed
16 by the county board of supervisors.

17 17078.82. (a) A school district that forms a local school
18 construction authority pursuant to this article shall delegate to the
19 authority all of the school facilities construction duties relating to
20 that school district, except that the governing board of a school
21 district shall retain overall authority over all of the following:

22 (1) The overall facilities needs of the school district.

23 (2) The needs of the school district to be addressed by the
24 project.

25 (3) The general design of the project.

26 (4) The proposed location of the project prior to acquisition.

27 (5) The receipt of funds from the state or other sources for the
28 construction of school facilities. However, the governing board of
29 the school district shall forward the funds to the authority.

30 (6) Holding title, within the meaning of Section 17070.70, to
31 all properties acquired by the authority pursuant to this article.

32 (b) A local school construction authority shall have and
33 perform all of the following powers and duties on behalf of the
34 school district:

35 (1) Identification and acquisition of schoolsites on behalf of the
36 governing board of the school district. Pursuant to this article, *only*
37 the governing board of the school district may exercise its powers
38 of eminent domain directly, ~~or it may delegate the exercise of those~~
39 ~~powers, on behalf of the school district, to the authority.~~ *eminent*
40 *domain.*



1 (2) Complete site preparation, including, but not limited to,
2 working with the Department of Toxic Substances Control
3 regarding environmental cleanup of the site, if necessary.

4 (3) Project management. The authority may enter into a
5 contract with another entity for performance of the project
6 management duties.

7 17078.84. (a) A local school construction authority shall
8 ~~possess~~ *obtain* all licenses, certificates, and permits, necessary for
9 performance of all of the functions needed to complete the
10 construction project.

11 (b) A local school construction authority shall obtain a
12 performance bond at an amount commensurate with the projected
13 costs of the project, as determined by the school district governing
14 board.

15 (c) A local school construction authority shall obtain insurance
16 indemnifying the school district from liability arising from all acts,
17 errors, and omissions, in the performance of its duties under this
18 article.

19 (d) A small school district may enter into a joint exercise of
20 powers agreement with a neighboring school district to form a
21 joint powers local school construction authority pursuant to this
22 article.

23 17078.86. (a) The board shall adopt regulations to expedite
24 the release of funds pursuant to this chapter for projects
25 administered by a local school construction authority that have
26 received approval by the board.

27 (b) *The regulations shall not result in any advantage or*
28 *increase in amount of funding provided under this chapter.*

