

AMENDED IN ASSEMBLY JUNE 7, 2007

AMENDED IN SENATE MARCH 26, 2007

AMENDED IN SENATE MARCH 8, 2007

SENATE BILL

No. 144

**Introduced by Committee on Local Government (Senators
Negrete McLeod (Chair), Cox, Harman, Kehoe, and Machado)**

January 25, 2007

An act to amend Section 5120 of the Corporations Code, to amend Section 18915 of the Education Code, to amend Sections 1780, 4216, 6503.5, 6503.7, 8855, 12168.7, 15432, 24304.2, 24501, 26292.1, 26298.2, 26299.041, 26907, 27001, 61062, 65358, ~~66439~~, 66442, ~~66447~~, and 66472.1 of, *and to repeal Section 65036.6 of, to repeal Chapter 2 (commencing with Section 55850) of Part 3 of Division 2 of Title 5 of, and to repeal Title 7.91 (commencing with Section 68056) of,* the Government Code, to amend Sections 33031 and 40980 of, *to add Section 20008 to, to repeal Section 20111 of, to repeal Article 2 (commencing with Section 20025) of, and Article 2.6 (commencing with Section 20050) of, Chapter 1 of Part 1 of Division 14 of, to repeal Chapter 2 (commencing with Section 20300) of Part 1 of Division 14 of, and to repeal and add Sections 20109 and 20110 of,* the Health and Safety Code, to repeal Sections 35104, 35107, 35122, 35138, and 35160 of, and to repeal and add Sections 35123, 35124, and 35130 of, the Public Resources Code, *to amend Sections 70223, 98290, 100250, 102350, 130350, 130401, 131102, 132301, 190300, and 240301 of the Public Utilities Code, to amend Section 95 of, and to repeal Sections 7262.5 and 7262.6 of,* the Revenue and Taxation Code, and to amend Section 3110 of the Streets and Highways Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 144, as amended, Committee on Local Government. Local Government Omnibus Act of 2007.

(1) Existing law authorizes 2 or more public agencies to enter into agreements to jointly exercise any power common to the contracting parties, as specified. Existing law requires specified notice to be filed with the Secretary of State when a joint powers agreement provides for the creation of an agency or entity that is separate from the parties to the agreement, as specified. Existing law also authorizes one or more persons to form a corporation, as specified, by executing and filing articles of incorporation with the Secretary of State.

This bill would require a corporation that is created by a local elected agency, as specified, and an agency or entity formed pursuant to a joint powers agreement, as specified, to furnish an additional copy of its articles of incorporation, or notice of the agreement to the Secretary of State, and would require the Secretary of State to forward the extra copy to the Controller.

(2) Existing law provides that 3 members of the board of library trustees of a local public library may call a special meeting of that board by written notice served upon each member of the board at least 3 hours before the time specified for the proposed meeting.

This bill would delete this provision and instead provide that meetings of the board are governed by the Ralph M. Brown Act.

(3) Existing law requires planned excavations near subsurface installations to be conducted in a specified manner that protects the subsurface installations from damage, and requires the operator, if the excavation is within 10 feet of a high-priority subsurface installation, as defined, to notify the excavator of the installation, as specified, and to hold an onsite meeting with the operator to verify the location of the installation. Existing law defines "high-priority subsurface installation" to mean, among other things, high-pressure natural gas pipelines with normal operating pressures greater than 415kPA gauge (60psig) or greater than 6 inches nominal pipe diameter.

This bill would instead define "high-priority subsurface installation" to mean, among other things, high-pressure natural gas pipelines with normal operating pressures greater than 415kPA gauge (60psig).

(4) Existing law provides for the procedure to fill a vacancy in an elective office of the governing board of a local special district, as specified.

This bill would clarify the procedure for filling a vacant office, and the length of time an appointee would hold that office, as specified. The bill would also declare the Legislature's intent to codify the holding in *Robson v. Upper San Gabriel Valley Municipal Water District* (2006) 142 Cal.App.4th 877.

(5) Existing law establishes the California Debt and Investment Advisory Commission and requires it to perform specified activities relating to state and local debt issuance and other governmental financing matters. Existing law requires state and local bond issuers to submit a report of final sale and a copy of the final official statement for the issue, as specified.

This bill would require the issuer to provide specified documents along with the report of final sale if no official statement or other disclosure document exists.

(6) Existing law requires the Secretary of State, in consultation with the Department of General Services to approve and adopt appropriate standards for storing and recording with a trusted system, as defined, permanent and nonpermanent documents in electronic media, as specified.

This bill would extend this requirement to specified local officials.

(7) Existing law requires certain specified county officers to annually file with the county clerk or the county auditor an inventory under oath, showing in detail all county property in his or her possession or charge, as specified. The board of supervisors is authorized to prepare an inventory of the property, as specified, which is required to be kept of record by the county clerk or auditor for at least 5 years, after which the board of supervisors is authorized to order the inventory destroyed.

This bill would authorized the board of supervisors to order the inventory of county property in the possession or charge of county officials after 5 years, or at any time after the document has been reproduced in accordance with specified standards.

(8) Existing law authorizes the auditor or ex officio auditor of a county to destroy any county, school, or special district claim, warrant, or any other paper issued warrant voucher that is more than 5 years old, or at any time after the document has been, among other things, reproduced on film of a type approved for permanent photographic records by the National Bureau of Standards.

This bill would require the county auditor or ex officio auditor of a county to follow specified standards adopted by the Secretary of State for storing and destroying documents by utilizing a trusted system, as

specified, and would declare that a duplicate copy of any record reproduced in compliance with those standards to be deemed an original.

(9) Existing law authorizes the treasurer of a county to destroy any certificate, notwithstanding provisions of law that authorize the board of supervisors to order the destruction of records, if the certificate has been filed for more than 5 years or the certificate has been filed for more than one year if the record, paper, or document is photographed, microphotographed, or reproduced on film of a type approved for permanent photographic records by the National Bureau of Standards, the device used to reproduce the record, paper, or document on film is one that accurately reproduces the original in all details, the photographs, microphotographs, or other reproductions on film are placed in conveniently accessible files and provision is made for preserving, examining, and using the same, and the record, paper, or document is reproduced and preserved utilizing other information technology.

This bill would authorize the treasurer to destroy any certificate that has been filed for more than one year if (A) the record, paper, or document is photographed, microphotographed, or reproduced on film or any other medium of a type approved for permanent photographic records by the National Institute of Standards and Technology; (B) the device used to reproduce the record, paper, or document on film or any other medium is one that accurately reproduces the original in all details; (C) the photographs, microphotographs, or other reproductions on film or any other medium are placed in conveniently accessible files and provision is made for preserving, examining, and using the same; and (D) the record, paper, or document is reproduced and preserved utilizing other information technology.

~~(5)~~

(10) The California Health Facilities Financing Authority Act defines “health facility” to mean any facility, place, or building that is licensed, accredited, or certified and organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, or physical, mental, or developmental disability, as specified, and provides as an example, among others, a nonprofit accredited community work-activity program, as specified.

This bill would revise a cross-reference in this provision.

~~(6)~~

(11) Existing law authorizes the Board of Supervisors of Sonoma County and Tulare County to consolidate the duties of the offices of Auditor-Controller and Treasurer-Tax Collector into the elected office of Auditor-Controller-Treasurer-Tax Collector, as specified.

This bill would also authorize the Board of Supervisors of Mendocino County to consolidate the duties of the offices of Auditor-Controller and Treasurer-Tax Collector into the elected office of Auditor-Controller-Treasurer-Tax Collector, as specified.

(7)

(12) Existing law, the Community Services District Law, requires a community services district to follow specified procedures when disposing of surplus land.

This bill would correct an incorrect cross-reference in that provision.

(13) *Existing law authorizes various local agencies to adopt a retail transactions and use tax, pursuant to the Transactions and Use Tax Law, as specified, provided that a majority of the electors voting on the measure to impose the tax subsequently approve the measure, as specified.*

This bill would instead require the measure to impose the tax to be approved by $\frac{2}{3}$ of the electors voting on the measure.

(14) *The Sacramento Ballpark Authority Law authorizes the board of supervisors in El Dorado, Placer, Sacramento, San Joaquin, and Yolo Counties to cumulatively form the Sacramento Ballpark Authority, as specified.*

This bill would repeal this authorization.

(8)

(15) Existing law governs the amendment of an adopted general plan by a local legislative body.

This bill would delete an obsolete cross-reference in these provisions.

~~(9) Existing law, the Subdivision Map Act, requires dedications of real property for public purposes to be made by a statement on the final map, signed and acknowledged by the parties who have any record title interest in the real property being subdivided, as specified.~~

~~This bill would require the local agency, whenever a subdivider is required to make a dedication, to specify whether a dedication pursuant to these provisions, or any other provision of law, is to be in fee for public purposes or an easement for public purposes and would require specific language to be included on the parcel map or separate instrument. By imposing a new duty on local agencies, this bill would create a state-mandated local program.~~

(10)

(16) Existing law requires a certificate or statement by the county surveyor, if a subdivision for which a final map is required lies within an unincorporated area, or by the city engineer or city surveyor, if a subdivision lies within a city, as specified.

This bill would define the terms “certificate,” “certify,” and “certified,” for purposes of these provisions.

(17) *Existing law establishes the Fresno Metropolitan Projects Authority, as specified, and authorizes the authority to carry out various duties, and to impose a transactions and use tax, as specified.*

This bill would repeal these provisions.

(18) *Existing law, until October 1, 1959, authorizes an unincorporated town to be formed into a district to protect and safeguard life and property and to equip and maintain a police department, as specified, and authorizes a territory that is not a part of another police protection district and is contiguous to an existing district in the same county to be annexed to that district.*

Existing law requires the board of supervisors, at the time of levying the county taxes to levy a tax on all the taxable property in the district sufficient to raise any amount reported to it by the district board, as specified, and requires any amount of money raised for the establishment and equipment of a police station in a district by a special tax levied as specified, not to exceed 1% of the assessed value of the taxable property in the district in any one year. Existing law also requires any amount of money raised for the maintenance of a police department in a district by an annual tax levied, as specified, not to exceed $\frac{3}{4}$ of 1% of the assessed value of the property in the district, except as specified.

This bill would instead require the auditor of each county in which a district is located to allocate to the district, its share of property tax revenue, pursuant to the requirements for allocation of property tax revenue, and would authorize a special district to levy special taxes services, as specified.

(11)

(19) Existing law, the Community Redevelopment Law, defines various physical conditions that cause blight.

This bill would make a technical, nonsubstantive change to this provision.

(12)

(20) Existing law governs the composition of the Sacramento Metropolitan Air Quality Management District’s Board of Directors, as specified.

This bill would permit a city council and city selection committee to appoint a mayor or another city council member as an alternate to serve and vote in place of a member who is absent or is disqualified from participating.

~~(13)~~

(21) The Santa Clara County Open-Space Authority Act defines various terms for purposes of the act, including “board of supervisors” and “interim governing board,” as specified. The act specifies the selection and powers of the interim governing board, the compensation of the members of the governing board, and the selection of the chairperson and vice chairperson of the governing board, as specified. Existing law requires funding for the activities of the authority, as specified, for the act to become operative with respect to the governing board.

This bill would repeal the definitions of “board of supervisors” and “interim governing board,” and the requirement of funding for the activities of the authority. This bill would also repeal the provisions governing the interim governing board. The bill would, as of January 1, 2008, specify the time of, and procedures for, the election of the members of the governing board of the authority. The bill would revise the compensation of members of the governing board, to permit members to recoup any necessary expenses incurred in the performance of their official duties, and would specify the method of determination of whether a member’s activities on a given day are compensable. The bill would also revise the selection of a chairperson and vice chairperson of the governing board, as specified.

~~(14)~~

(22) Existing law defines a “jurisdictional change” for the purposes of annual property tax revenue allocations.

This bill would revise that definition.

~~(15)~~

(23) Existing law requires a city, prior to a hearing on the formation or extent of a district pursuant to the Mello-Roos Community Facilities Act of 1982, to adopt, by resolution or ordinance, the proposed boundaries of the district to be specially taxed or assessed by reference to a map of the district, as specified.

This bill would make technical, nonsubstantive changes to these provisions.

~~(16) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

(24) Existing law authorizes Mendocino County to impose a transactions and use tax by the adoption of an ordinance, as specified, if the ordinance imposing the tax is submitted to, and approved by, the voters of the county, the tax is imposed at a rate of 1/2 of 1% for not more than 5 years, and the revenues collected from the tax are used only to fund library programs and operations.

This bill would repeal this provision.

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

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

1 SECTION 1. (a) This act shall be known and may be cited as
2 the Local Government Omnibus Act of 2007.

3 (b) The Legislature finds and declares that Californians want
4 their governments to be run efficiently and economically and that
5 public officials should avoid waste and duplication whenever
6 possible. The Legislature further finds and declares that it desires
7 to control its own costs by reducing the number of separate bills.
8 Therefore, it is the intent of the Legislature in enacting this act to
9 combine several minor, noncontroversial statutory changes relating
10 to local government into a single measure.

11 SEC. 2. Section 5120 of the Corporations Code is amended to
12 read:

13 5120. (a) One or more persons may form a corporation under
14 this part by executing and filing articles of incorporation.

15 (b) If initial directors are named in the articles, each director
16 named in the articles shall sign and acknowledge the articles; if
17 initial directors are not named in the articles, the articles shall be
18 signed by one or more persons who thereupon are the incorporators
19 of the corporation.

1 (c) The corporate existence begins upon the filing of the articles
2 and continues perpetually, unless otherwise expressly provided by
3 law or in the articles.

4 (d) At the time of filing pursuant to this section, a corporation
5 shall furnish an additional copy of its articles to the Secretary of
6 State who shall forward that copy to the Attorney General.

7 (e) If the corporation was created by the elected legislative body
8 in order to exercise authority that may lawfully be delegated by
9 the elected governing body to a private corporation or other entity,
10 the corporation shall furnish an additional copy of its articles to
11 the Secretary of State, who shall forward the additional copy to
12 the Controller.

13 SEC. 3. Section 18915 of the Education Code is amended to
14 read:

15 18915. Meetings of the board are governed by the Ralph M.
16 Brown Act (Chapter 9 (commencing with Section 54950) of Part
17 1 of Division 2 of Title 5 of the Government Code).

18 SEC. 4. Section 1780 of the Government Code is amended to
19 read:

20 1780. (a) Notwithstanding any other provision of law, a
21 vacancy in any elective office on the governing board of a special
22 district, other than those specified in Section 1781, shall be filled
23 pursuant to this section.

24 (b) The district shall notify the county elections official of the
25 vacancy no later than 15 days after either the date on which the
26 district board is notified of the vacancy or the effective date of the
27 vacancy, whichever is later.

28 (c) The remaining members of the district board may fill the
29 vacancy either by appointment pursuant to subdivision (d) or by
30 calling an election pursuant to subdivision (e).

31 (d) (1) The remaining members of the district board shall make
32 the appointment pursuant to this subdivision within 60 days after
33 either the date on which the district board is notified of the vacancy
34 or the effective date of the vacancy, whichever is later. The district
35 shall post a notice of the vacancy in three or more conspicuous
36 places in the district at least 15 days before the district board makes
37 the appointment. The district shall notify the county elections
38 official of the appointment no later than 15 days after the
39 appointment.

1 (2) If the vacancy occurs in the first half of a term of office *and*
2 *at least 130 days prior to the next general district election*, the
3 person appointed to fill the vacancy shall hold office until the next
4 general district election that is scheduled 130 or more days after
5 the date the district board is notified of the vacancy, and thereafter
6 until the person who is elected at that election to fill the vacancy
7 has been qualified. The person elected to fill the vacancy shall
8 hold office for the unexpired balance of the term of office.

9 (3) If the vacancy occurs in the *first half of a term of office, but*
10 *less than 130 days prior to the next general district election, or if*
11 *the vacancy occurs in the second half of a term of office*, the person
12 appointed to fill the vacancy shall fill the balance of the unexpired
13 term of office.

14 (e) (1) In lieu of making an appointment the remaining members
15 of the board may within 60 days of the date the district board is
16 notified of the vacancy or the effective date of the vacancy,
17 whichever is later, call an election to fill the vacancy.

18 (2) The election called pursuant to this subdivision shall be held
19 on the next established election date provided in Chapter 1
20 (commencing with Section 1000) of Division 1 of the Elections
21 Code that is 130 or more days after the date the district board calls
22 the election.

23 (f) (1) If the vacancy is not filled by the district board by
24 appointment, or if the district board has not called for an election
25 within 60 days of the date the district board is notified of the
26 vacancy or the effective date of the vacancy, whichever is later,
27 then the city council of the city in which the district is wholly
28 located, or if the district is not wholly located within a city, the
29 board of supervisors of the county representing the larger portion
30 of the district area in which the election to fill the vacancy will be
31 held, may appoint a person to fill the vacancy within 90 days of
32 the date the district board is notified of the vacancy or the effective
33 date of the vacancy, whichever is later, or the city council or board
34 of supervisors may order the district to call an election to fill the
35 vacancy.

36 (2) The election called pursuant to this subdivision shall be held
37 on the next established election date provided in Chapter 1
38 (commencing with Section 1000) of Division 1 of the Elections
39 Code that is 130 or more days after the date the city council or
40 board of supervisors calls the election.

1 (g) (1) If within 90 days of the date the district board is notified
2 of the vacancy or the effective date of the vacancy, whichever is
3 later, the remaining members of the district board or the appropriate
4 board of supervisors or city council have not filled the vacancy
5 and no election has been called for, then the district board shall
6 call an election to fill the vacancy.

7 (2) The election called pursuant to this subdivision shall be held
8 on the next established election date provided in Chapter 1
9 (commencing with Section 1000) of Division 1 of the Elections
10 Code that is 130 or more days after the date the district board calls
11 the election.

12 (h) (1) Notwithstanding any other provision of this section, if
13 the number of remaining members of the district board falls below
14 a quorum, then at the request of the district secretary or a remaining
15 member of the district board, the appropriate board of supervisors
16 or the city council shall promptly appoint a person to fill the
17 vacancy, or may call an election to fill the vacancy.

18 (2) The board of supervisors or the city council shall only fill
19 enough vacancies by appointment or by election to provide the
20 district board with a quorum.

21 (3) If the vacancy occurs in the first half of a term of office *and*
22 *at least 130 days prior to the next general district election*, the
23 person appointed to fill the vacancy shall hold the office until the
24 next general district election that is scheduled 130 or more days
25 after the date the district board is notified of the vacancy, and
26 thereafter until the person who is elected at that election to fill the
27 vacancy has been qualified. The person elected to fill the vacancy
28 shall hold office for the unexpired balance of the term of office.

29 (4) If the vacancy occurs in the *first half of a term of office, but*
30 *less than 130 days prior to the next general district election, or if*
31 *the vacancy occurs in the second half of a term of office*, the person
32 appointed to fill the vacancy shall fill the balance of the unexpired
33 term of office.

34 (5) The election called pursuant to this subdivision shall be held
35 on the next established election date provided in Chapter 1
36 (commencing with Section 1000) of Division 1 of the Elections
37 Code that is held 130 or more days after the date the city council
38 or board of supervisors calls the election.

39 SEC. 5. Section 4216 of the Government Code is amended to
40 read:

1 4216. As used in this article the following definitions apply:

2 (a) “Approximate location of subsurface installations” means
3 a strip of land not more than 24 inches on either side of the exterior
4 surface of the subsurface installation. “Approximate location” does
5 not mean depth.

6 (b) “Excavation” means any operation in which earth, rock, or
7 other material in the ground is moved, removed, or otherwise
8 displaced by means of tools, equipment, or explosives in any of
9 the following ways: grading, trenching, digging, ditching, drilling,
10 augering, tunneling, scraping, cable or pipe plowing and driving,
11 or any other way.

12 (c) Except as provided in Section 4216.8, “excavator” means
13 any person, firm, contractor or subcontractor, owner, operator,
14 utility, association, corporation, partnership, business trust, public
15 agency, or other entity that, with their, or his or her, own employees
16 or equipment performs any excavation.

17 (d) “Emergency” means a sudden, unexpected occurrence,
18 involving a clear and imminent danger, demanding immediate
19 action to prevent or mitigate loss of, or damage to, life, health,
20 property, or essential public services. “Unexpected occurrence”
21 includes, but is not limited to, fires, floods, earthquakes or other
22 soil or geologic movements, riots, accidents, damage to a
23 subsurface installation requiring immediate repair, or sabotage.

24 (e) “High priority subsurface installation” means high-pressure
25 natural gas pipelines with normal operating pressures greater than
26 415kPA gauge (60psig), petroleum pipelines, pressurized sewage
27 pipelines, high-voltage electric supply lines, conductors, or cables
28 that have a potential to ground of greater than or equal to 60kv, or
29 hazardous materials pipelines that are potentially hazardous to
30 workers or the public if damaged.

31 (f) “Inquiry identification number” means the number that is
32 provided by a regional notification center to every person who
33 contacts the center pursuant to Section 4216.2. The inquiry
34 identification number shall remain valid for not more than 28
35 calendar days from the date of issuance, and after that date shall
36 require regional notification center revalidation.

37 (g) “Local agency” means a city, county, city and county, school
38 district, or special district.

39 (h) “Operator” means any person, corporation, partnership,
40 business trust, public agency, or other entity that owns, operates,

1 or maintains a subsurface installation. For purposes of Section
2 4216.1, an “operator” does not include an owner of real property
3 where subsurface facilities are exclusively located if they are used
4 exclusively to furnish services on that property and the subsurface
5 facilities are under the operation and control of that owner.

6 (i) “Qualified person” means a person who completes a training
7 program in accordance with the requirements of Title 8, California
8 Code of Regulations, Section 1509, Injury Prevention Program,
9 that meets the minimum training guidelines and practices of
10 Common Ground Alliance current Best Practices.

11 (j) “Regional notification center” means a nonprofit association
12 or other organization of operators of subsurface installations that
13 provides advance warning of excavations or other work close to
14 existing subsurface installations, for the purpose of protecting
15 those installations from damage, removal, relocation, or repair.

16 (k) “State agency” means every state agency, department,
17 division, bureau, board, or commission.

18 (l) “Subsurface installation” means any underground pipeline,
19 conduit, duct, wire, or other structure, except nonpressurized
20 sewerlines, nonpressurized storm drains, or other nonpressurized
21 drain lines.

22 SEC. 6. Section 6503.5 of the Government Code is amended
23 to read:

24 6503.5. Whenever a joint powers agreement provides for the
25 creation of an agency or entity that is separate from the parties to
26 the agreement and is responsible for the administration of the
27 agreement, such agency or entity shall, within 30 days after the
28 effective date of the agreement or amendment thereto, cause a
29 notice of the agreement or amendment to be prepared and filed
30 with the office of the Secretary of State. The agency or entity shall
31 furnish an additional copy of the notice of the agreement or
32 amendment to the Secretary of State, who shall forward the copy
33 to the Controller. The notice shall contain:

34 (a) The name of each public agency that is a party to the
35 agreement.

36 (b) The date that the agreement became effective.

37 (c) A statement of the purpose of the agreement or the power
38 to be exercised.

39 (d) A description of the amendment or amendments made to
40 the agreement, if any.

1 Notwithstanding any other provision of this chapter, any agency
2 or entity administering a joint powers agreement or amendment
3 to such an agreement, which agreement or amendment becomes
4 effective on or after the effective date of this section, which fails
5 to file the notice required by this section within 30 days after the
6 effective date of the agreement or amendment, shall not thereafter,
7 and until such filings are completed, issue any bonds or incur
8 indebtedness of any kind.

9 SEC. 7. Section 6503.7 of the Government Code is amended
10 to read:

11 6503.7. Within 90 days after the effective date of this section,
12 any separate agency or entity constituted pursuant to a joint powers
13 agreement entered into prior to the effective date of this section
14 and responsible for the administration of the agreement shall cause
15 a notice of the agreement to be prepared and filed with the office
16 of the Secretary of State. The agency or entity shall also furnish
17 an additional copy of the notice of the agreement to the Secretary
18 of State who shall forward the copy to the Controller. The notice
19 shall contain all the information required for notice given pursuant
20 to Section 6503.5.

21 Notwithstanding any other provision of this chapter, any joint
22 powers agency that is required and fails to file notice pursuant to
23 this section within 90 days after the effective date of this section
24 shall not, thereafter, and until such filings are completed, issue
25 any bonds, incur any debts, liabilities or obligations of any kind,
26 or in any other way exercise any of its powers.

27 For purposes of recovering the costs incurred in filing and
28 processing the notices required to be filed pursuant to this section
29 and Section 6503.5, the Secretary of State may establish a schedule
30 of fees. Such fees shall be collected by the office of the Secretary
31 of State at the time the notices are filed and shall not exceed the
32 reasonably anticipated cost to the Secretary of State of performing
33 the work to which the fees relate.

34 SEC. 7.5. Section 8855 of the Government Code is amended
35 to read:

36 8855. (a) There is created the California Debt and Investment
37 Advisory Commission, consisting of nine members, selected as
38 follows:

- 39 (1) The Treasurer, or his or her designee.
- 40 (2) The Governor or the Director of Finance.

1 (3) The Controller, or his or her designee.

2 (4) Two local government finance officers appointed by the
3 Treasurer, one each from among persons employed by a county
4 and by a city or a city and county of this state, experienced in the
5 issuance and sale of municipal bonds and nominated by
6 associations affiliated with these agencies.

7 (5) Two Members of the Assembly appointed by the Speaker
8 of the Assembly.

9 (6) Two Members of the Senate appointed by the Senate
10 Committee on Rules.

11 (b) (1) The term of office of an appointed member is four years,
12 but appointed members serve at the pleasure of the appointing
13 power. In case of a vacancy for any cause, the appointing power
14 shall make an appointment to become effective immediately for
15 the unexpired term.

16 (2) Any legislators appointed to the commission shall meet with
17 and participate in the activities of the commission to the extent
18 that the participation is not incompatible with their respective
19 positions as Members of the Legislature. For purposes of this
20 chapter, the Members of the Legislature shall constitute a joint
21 interim legislative committee on the subject of this chapter.

22 (c) The Treasurer shall serve as chairperson of the commission
23 and shall preside at meetings of the commission.

24 (d) Appointed members of the commission shall not receive a
25 salary, but shall be entitled to a per diem allowance of fifty dollars
26 (\$50) for each day's attendance at a meeting of the commission
27 not to exceed three hundred dollars (\$300) in any month, and
28 reimbursement for expenses incurred in the performance of their
29 duties under this chapter, including travel and other necessary
30 expenses.

31 (e) The commission may adopt bylaws for the regulation of its
32 affairs and the conduct of its business.

33 (f) The commission shall meet on the call of the chairperson,
34 at the request of a majority of the members, or at the request of
35 the Governor. A majority of all nonlegislative members of the
36 commission constitutes a quorum for the transaction of business.

37 (g) The office of the Treasurer shall furnish all administrative
38 and clerical assistance required by the commission.

39 (h) The commission shall do all of the following:

- 1 (1) Assist all state financing authorities and commissions in
2 carrying out their responsibilities as prescribed by law, including
3 assistance with respect to federal legislation pending in Congress.
- 4 (2) Upon request of any state or local government units, to assist
5 them in the planning, preparation, marketing, and sale of new debt
6 issues to reduce cost and to assist in protecting the issuer's credit.
- 7 (3) Collect, maintain, and provide comprehensive information
8 on all state and all local debt authorization and issuance, and serve
9 as a statistical clearinghouse for all state and local debt issues. This
10 information shall be readily available upon request by any public
11 official or any member of the public.
- 12 (4) Maintain contact with state and municipal bond issuers,
13 underwriters, credit rating agencies, investors, and others to
14 improve the market for state and local government debt issues.
- 15 (5) Undertake or commission studies on methods to reduce the
16 costs and improve credit ratings of state and local issues.
- 17 (6) Recommend changes in state laws and local practices to
18 improve the sale and servicing of state and local debts.
- 19 (7) Establish a continuing education program for local officials
20 having direct or supervisory responsibility over municipal
21 investments, and debt issuance. The commission shall undertake
22 these and any other activities necessary to disclose investment and
23 debt issuance practices and strategies that may be conducive for
24 oversight purposes.
- 25 (8) Collect, maintain, and provide information on local agency
26 investments of public funds for local agency investment.
- 27 (9) Publish a monthly newsletter describing and evaluating the
28 operations of the commission during the preceding month.
- 29 (i) The city, county, or city and county investor of any public
30 funds, no later than 60 days after the close of the second and fourth
31 quarters of each calendar year, shall provide the quarterly reports
32 required pursuant to Section 53646 and, no later than 60 days after
33 the close of the second quarter of each calendar year and 60 days
34 after the subsequent amendment thereto, provide the statement of
35 investment policy required pursuant to Section 53646, to the
36 commission by mail, postage prepaid, or by any other method
37 approved by the commission. The commission shall collect these
38 reports to further its educational responsibilities as described under
39 subdivision (e). Nothing in this section shall be construed to create
40 additional oversight responsibility for the commission or any of

1 its members. Sole responsibility for control, oversight, and
2 accountability of local investment decisions shall remain with local
3 officials. The commission shall not be considered to have any
4 fiduciary duty with respect to any local agency income report
5 received under this subdivision. In addition, the commission shall
6 not have any legal liability with respect to these investments.

7 (j) The commission, no later than May 1, 2006, shall report to
8 the Legislature describing its activities since the inception of the
9 local agency investment reporting program regarding the collection
10 and maintenance of information on local agency investment
11 reporting practices and how the commission uses that information
12 to fulfill its statutory goals.

13 (k) The issuer of any proposed new debt issue of state or local
14 government shall, no later than 30 days prior to the sale of any
15 debt issue at public or private sale, give written notice of the
16 proposed sale to the commission, by mail, postage prepaid, or by
17 any other method approved by the commission. This subdivision
18 shall also apply to any nonprofit public benefit corporation
19 incorporated for the purpose of acquiring student loans. The notice
20 shall include the proposed sale date, the name of the issuer, the
21 type of debt issue, and the estimated principal amount of the debt.
22 Failure to give this notice shall not affect the validity of the sale.

23 (l) The issuer of any new debt issue of state or local government,
24 not later than 45 days after the signing of the bond purchase
25 contract in a negotiated or private financing, or after the acceptance
26 of a bid in a competitive offering, shall submit a report of final
27 sale to the commission by mail, postage prepaid, or by any other
28 method approved by the commission. A copy of the final official
29 statement for the issue shall accompany the report of final sale:
30 ~~The commission may require information to be submitted in the~~
31 ~~report of final sale that it considers appropriate. If there is no~~
32 ~~official statement or other disclosure document, the issuer shall~~
33 ~~provide each of the following documents, if they exist, along with~~
34 ~~the report of final sale:~~

- 35 (1) *Other disclosure document.*
- 36 (2) *Indenture.*
- 37 (3) *Installment sales agreement.*
- 38 (4) *Loan agreement or promissory note.*
- 39 (5) *Bond purchase contract.*
- 40 (6) *Resolution authorizing the issue.*

1 (7) *Bond specimen.*

2 *The commission may require information to be submitted in the*
3 *report of final sale that it considers appropriate. The issuer may*
4 *redact confidential information contained in the documents if the*
5 *redacted information is not information that is otherwise required*
6 *to be reported to the commission.*

7 SEC. 7.7. *Section 12168.7 of the Government Code is amended*
8 *to read:*

9 12168.7. (a) The California Legislature hereby recognizes the
10 need to adopt uniform statewide standards for the purpose of
11 storing and recording permanent and nonpermanent documents in
12 electronic media.

13 (b) In order to ensure that uniform statewide standards remain
14 current and relevant, the Secretary of State, in consultation with
15 the Department of General Services, shall approve and adopt
16 appropriate standards established by the American National
17 Standards Institute or the Association for Information and Image
18 Management.

19 (c) The standards specified in subdivision (b) shall include a
20 requirement that a trusted system be utilized. For this purpose and
21 for purposes of Sections 25105, 26205, 26205.1, 26205.5, 26907,
22 27001, 27322.2, 34090.5, and 60203, Section 102235 of the Health
23 and Safety Code, and Section 10851 of the Welfare and Institutions
24 Code, “trusted system” means a combination of techniques,
25 policies, and procedures for which there is no plausible scenario
26 in which a document retrieved from or reproduced by the system
27 could differ substantially from the document that is originally
28 stored.

29 (d) In order to develop statewide standards as expeditiously as
30 possible, and until the time that statewide standards are adopted
31 pursuant to subdivision (b), state officials shall ensure that
32 microfilming, electronic data imaging, and photographic
33 reproduction are done in compliance with the minimum standards
34 or guidelines, or both, as recommended by the American National
35 Standards Institute or the Association for Information and Image
36 Management for recording of permanent records or nonpermanent
37 records.

38 SEC. 8. *Section 15432 of the Government Code is amended*
39 *to read:*

1 15432. As used in this part, the following words and terms
2 shall have the following meanings, unless the context clearly
3 indicates or requires another or different meaning or intent:

4 (a) “Act” means the California Health Facilities Financing
5 Authority Act.

6 (b) “Authority” means the California Health Facilities Financing
7 Authority created by this part or any board, body, commission,
8 department, or officer succeeding to the principal functions thereof
9 or to which the powers conferred upon the authority by this part
10 shall be given by law.

11 (c) “Cost,” as applied to a project or portion of a project financed
12 under this part, means and includes all or any part of the cost of
13 construction and acquisition of all lands, structures, real or personal
14 property, rights, rights-of-way, franchises, easements, and interests
15 acquired or used for a project, the cost of demolishing or removing
16 any buildings or structures on land so acquired, including the cost
17 of acquiring any lands to which those buildings or structures may
18 be moved, the cost of all machinery and equipment, financing
19 charges, interest prior to, during, and for a period not to exceed
20 the later of one year or one year following completion of
21 construction, as determined by the authority, the cost of insurance
22 during construction, the cost of funding or financing noncapital
23 expenses, reserves for principal and interest and for extensions,
24 enlargements, additions, replacements, renovations and
25 improvements, the cost of engineering, service contracts,
26 reasonable financial and legal services, plans, specifications,
27 studies, surveys, estimates, administrative expenses, and other
28 expenses of funding or financing, that are necessary or incident to
29 determining the feasibility of constructing any project, or that are
30 incident to the construction, acquisition, or financing of any project.

31 (d) “Health facility” means any facility, place, or building that
32 is licensed, accredited, or certified and organized, maintained, and
33 operated for the diagnosis, care, prevention, and treatment of
34 human illness, or physical, mental, or developmental disability,
35 including convalescence and rehabilitation and including care
36 during and after pregnancy, or for any one or more of these
37 purposes, for one or more persons, and includes, but is not limited
38 to, all of the following types:

39 (1) A general acute care hospital that is a health facility having
40 a duly constituted governing body with overall administrative and

1 professional responsibility and an organized medical staff that
2 provides 24-hour inpatient care, including the following basic
3 services: medical, nursing, surgical, anesthesia, laboratory,
4 radiology, pharmacy, and dietary services.

5 (2) An acute psychiatric hospital that is a health facility having
6 a duly constituted governing body with overall administrative and
7 professional responsibility and an organized medical staff that
8 provides 24-hour inpatient care for mentally disordered,
9 incompetent, or other patients referred to in Division 5
10 (commencing with Section 5000) or Division 6 (commencing with
11 Section 6000) of the Welfare and Institutions Code, including the
12 following basic services: medical, nursing, rehabilitative,
13 pharmacy, and dietary services.

14 (3) A skilled nursing facility that is a health facility that provides
15 the following basic services: skilled nursing care and supportive
16 care to patients whose primary need is for availability or skilled
17 nursing care on an extended basis.

18 (4) An intermediate care facility that is a health facility that
19 provides the following basic services: inpatient care to ambulatory
20 or semiambulatory patients who have recurring need for skilled
21 nursing supervision and need supportive care, but who do not
22 require availability or continuous skilled nursing care.

23 (5) A special health care facility that is a health facility having
24 a duly constituted governing body with overall administrative and
25 professional responsibility and an organized medical or dental staff
26 that provides inpatient or outpatient, acute or nonacute care,
27 including, but not limited to, medical, nursing, rehabilitation,
28 dental, or maternity.

29 (6) A clinic that is operated by a tax-exempt nonprofit
30 corporation that is licensed pursuant to Section 1204 or 1204.1 of
31 the Health and Safety Code or a clinic exempt from licensure
32 pursuant to subdivision (b) or (c) of Section 1206 of the Health
33 and Safety Code.

34 (7) An adult day health center that is a facility, as defined under
35 subdivision (b) of Section 1570.7 of the Health and Safety Code,
36 that provides adult day health care, as defined under subdivision
37 (a) of Section 1570.7 of the Health and Safety Code.

38 (8) Any facility owned or operated by a local jurisdiction for
39 the provision of county health services.

1 (9) A multilevel facility is an institutional arrangement where
2 a residential facility for the elderly is operated as a part of, or in
3 conjunction with, an intermediate care facility, a skilled nursing
4 facility, or a general acute care hospital. “Elderly,” for the purposes
5 of this paragraph, means a person 62 years of age or older.

6 (10) A child day care facility operated in conjunction with a
7 health facility. A child day care facility is a facility, as defined in
8 Section 1596.750 of the Health and Safety Code. For purposes of
9 this paragraph, “child” means a minor from birth to 18 years of
10 age.

11 (11) An intermediate care facility/developmentally disabled
12 habilitative that is a health facility, as defined under subdivision
13 (e) of Section 1250 of the Health and Safety Code.

14 (12) An intermediate care facility/developmentally
15 disabled-nursing that is a health facility, as defined under
16 subdivision (h) of Section 1250 of the Health and Safety Code.

17 (13) A community care facility that is a facility, as defined under
18 subdivision (a) of Section 1502 of the Health and Safety Code,
19 that provides care, habilitation, rehabilitation, or treatment services
20 to developmentally disabled or mentally impaired persons.

21 (14) A nonprofit community care facility, as defined in
22 subdivision (a) of Section 1502 of the Health and Safety Code,
23 other than a facility that, as defined in that subdivision, is a
24 residential facility for the elderly, a foster family agency, a foster
25 family home, a full service adoption agency, or a noncustodial
26 adoption agency.

27 (15) A nonprofit accredited community work-activity program,
28 as specified in subdivision (e) of Section 4851 and Section 4856
29 of the Welfare and Institutions Code.

30 (16) A community mental health center, as defined in paragraph
31 (3) of subdivision (b) of Section 5667 of the Welfare and
32 Institutions Code.

33 (17) A nonprofit speech and hearing center, as defined in Section
34 1201.5 of the Health and Safety Code.

35 (18) A blood bank, as defined in Section 1600.2 of the Health
36 and Safety Code, licensed pursuant to Section 1602.5 of the Health
37 and Safety Code, and exempt from federal income taxation
38 pursuant to Section 501(c)(3) of the Internal Revenue Code.

39 “Health facility” includes a clinic that is described in subdivision
40 (l) of Section 1206 of the Health and Safety Code.

1 “Health facility” includes the following facilities, if the facility
2 is operated in conjunction with one or more of the facilities
3 specified in paragraphs (1) to (18), inclusive, of this subdivision:
4 a laboratory, laundry, or nurses or interns residence, housing for
5 staff or employees and their families or patients or relatives of
6 patients, a physicians’ facility, an administration building, a
7 research facility, a maintenance, storage, or utility facility, all
8 structures or facilities related to any of the foregoing facilities or
9 required or useful for the operation of a health facility and the
10 necessary and usual attendant and related facilities and equipment,
11 and parking and supportive service facilities or structures required
12 or useful for the orderly conduct of the health facility.

13 “Health facility” does not include any institution, place, or
14 building used or to be used primarily for sectarian instruction or
15 study or as a place for devotional activities or religious worship.

16 (e) “Participating health institution” means a city, city and
17 county, or county, a district hospital, or a private nonprofit
18 corporation or association authorized by the laws of this state to
19 provide or operate a health facility and that, pursuant to the
20 provisions of this part, undertakes the financing or refinancing of
21 the construction or acquisition of a project or of working capital
22 as provided in this part. “Participating health institution” also
23 includes, for purposes of the California Health Facilities Revenue
24 Bonds (UCSF-Stanford Health Care) 1998 Series A, the Regents
25 of the University of California.

26 (f) “Project” means construction, expansion, remodeling,
27 renovation, furnishing, or equipping, or funding, financing, or
28 refinancing of a health facility or acquisition of a health facility
29 to be financed or refinanced with funds provided in whole or in
30 part pursuant to this part. “Project” may include reimbursement
31 for the costs of construction, expansion, remodeling, renovation,
32 furnishing, or equipping, or funding, financing, or refinancing of
33 a health facility or acquisition of a health facility. “Project” may
34 include any combination of one or more of the foregoing
35 undertaken jointly by any participating health institution with one
36 or more other participating health institutions.

37 (g) “Revenue bond” means any bond, warrant, note, lease, or
38 installment sale obligation that is evidenced by a certificate of
39 participation or other evidence of indebtedness issued by the
40 authority.

1 (h) “Working capital” means moneys to be used by, or on behalf
2 of, a participating health institution to pay or prepay maintenance
3 or operation expenses or any other costs that would be treated as
4 an expense item, under generally accepted accounting principles,
5 in connection with the ownership or operation of a health facility,
6 including, but not limited to, reserves for maintenance or operation
7 expenses, interest for not to exceed one year on any loan for
8 working capital made pursuant to this part, and reserves for debt
9 service with respect to, and any costs necessary or incidental to,
10 that financing.

11 SEC. 8.5. *Section 24051 of the Government Code is amended*
12 *to read:*

13 24051. (a) On or before July 10th in each year, or at any other
14 interval designated by the board of supervisors, each county officer
15 or person in charge of any office, department, service, or institution
16 of the county, and the executive head of each special district whose
17 affairs and funds are under the supervision and control of the board
18 of supervisors or for which the board is ex officio the governing
19 body shall file with the county clerk, or with the county auditor,
20 according to the procedure prescribed by the board, an inventory
21 under oath, showing in detail all county property in his or her
22 possession or in his or her charge at the close of business on the
23 preceding June 30th. ~~By~~

24 (b) By ordinance the board of supervisors may prescribe an
25 annual or any other period, provided that the period shall not be
26 in excess of three years, for preparation of the inventory and a
27 correspondingly different date for its filing, and may prescribe the
28 manner and form in which the inventory shall be compiled. The
29 inventories shall be kept of record by the county clerk or auditor
30 for at least five years. Any inventory which has been on file for
31 five years or more may be destroyed on order of the board of
32 supervisors *or may be destroyed at any time after the document*
33 *has been reproduced in accordance with Section 26205.1.* ~~A~~

34 (c) A true copy of the inventory shall be delivered by the person
35 who made it to his or her successor in office, who shall receipt for
36 it. The receipt shall be filed with the county clerk or county auditor.

37 SEC. 9. Section 24304.2 of the Government Code is amended
38 to read:

39 24304.2. Notwithstanding Section 24300, in Mendocino
40 County, Sonoma County, and Tulare County, the board of

1 supervisors, by ordinance, may consolidate the duties of the offices
2 of Auditor-Controller and Treasurer-Tax Collector into the elected
3 office of Auditor-Controller-Treasurer-Tax Collector.

4 *SEC. 9.1. Section 26292.1 of the Government Code is amended*
5 *to read:*

6 26292.1. A retail transactions and use tax ordinance applicable
7 in the incorporated and unincorporated territory of the county may
8 be adopted by the agency in accordance with Section 26292.5 and
9 Part 1.6 (commencing with Section 7251) of Division 2 of the
10 Revenue and Taxation Code, if the ordinance is adopted by a
11 two-thirds vote of the board of directors of the agency and if a
12 ~~majority~~ *two-thirds* of the electors voting on the measure vote to
13 approve its imposition at a special election called for that purpose
14 by the agency. The tax ordinance shall take effect at the close of
15 the polls on the day of the election at which the proposition is
16 adopted. The initial collection of the transactions and use tax shall
17 take place in accordance with Section 26292.4.

18 *SEC. 9.2. Section 26298.2 of the Government Code is amended*
19 *to read:*

20 26298.2. (a) A retail transactions and use tax ordinance
21 applicable in the incorporated and unincorporated territory of the
22 county may be adopted by the commission in accordance with
23 Section 26298.8 and Part 1.6 (commencing with Section 7251) of
24 Division 2 of the Revenue and Taxation Code, if the ordinance is
25 adopted by a two-thirds vote of the commission and if a ~~majority~~
26 *two-thirds* of the electors voting on the measure vote to approve
27 its imposition at an election. This election may be a special election
28 called for that purpose by the commission or, if the commission
29 so determines, shall be consolidated with a regular election.

30 (b) In addition to the authorization of subdivision (a), a retail
31 transactions and use tax ordinance applicable in the incorporated
32 and unincorporated territory of the county may be adopted by the
33 commission in accordance with the requirements of subdivision
34 (a), except that, at the option of the commission, the ordinance
35 may be required to be approved by two-thirds of the electors voting
36 on the measure.

37 *SEC. 9.3. Section 26299.041 of the Government Code is*
38 *amended to read:*

39 26299.041. (a) A retail transactions and use tax ordinance
40 applicable in the incorporated and unincorporated territory of a

1 county may be imposed by the agency in accordance with this
2 chapter and Part 1.6 (commencing with Section 7251) of Division
3 2 of the Revenue and Taxation Code, if the tax ordinance is adopted
4 by a two-thirds vote of the agency and imposition of the tax is
5 subsequently approved by ~~a majority~~ *two-thirds* of the electors
6 voting on the measure at a special election called for that purpose
7 by the board of supervisors, at the request of the agency, and a
8 county regional justice facilities master plan is adopted pursuant
9 to Section 26299.009.

10 (b) In addition to the authorization of subdivision (a), a retail
11 transactions and use tax ordinance applicable in the incorporated
12 and unincorporated territory of a county may be imposed by the
13 agency in accordance with the requirements of subdivision (a),
14 except that, at the option of the agency, the ordinance may be
15 required to be approved by two-thirds of the electors voting on the
16 measure.

17 (c) A retail transactions and use tax approved by the electors
18 pursuant to this chapter shall remain in effect for not longer than
19 30 years, or any lesser period of time specified in the tax ordinance.
20 The tax may be continued in effect, or reimposed, by a tax
21 ordinance adopted by a two-thirds vote of the agency and the
22 reimposition of the tax is approved by either a majority or
23 two-thirds of the electors, whichever was required for the initial
24 approval.

25 (d) The special elections required by subdivisions (a), (b), and
26 (c) for the initial imposition and reimposition, respectively, of a
27 retail transactions and use tax may be consolidated, if the agency
28 so determines, with a regular election.

29 *SEC. 9.4. Section 26907 of the Government Code is amended*
30 *to read:*

31 26907. (a) Notwithstanding Section 26201, 26202, or 26205,
32 the auditor or ex officio auditor may destroy any county, school,
33 or special district claim, warrant, or any other paper issued as a
34 warrant voucher that is more than five years old, or at any time
35 after the document has been photographed, microphotographed,
36 reproduced by electronically recorded video images on magnetic
37 surfaces, ~~or reproduced on film of a type approved for permanent~~
38 ~~photographic records by the National Bureau of Standards or~~
39 ~~recorded on optical disk or reproduced on any other medium that~~
40 *does not permit additions, deletions, or changes to the original*

1 *document and is produced in compliance with Section 12168.7 for*
 2 *recording of permanent records or nonpermanent records if the*
 3 *copy is kept or maintained for five years from the date of the*
 4 *document. A duplicate copy of any record reproduced in*
 5 *compliance with Section 12168.7 for recording of permanent or*
 6 *nonpermanent records, whichever applies, shall be deemed an*
 7 *original.*

8 ~~The~~

9 (b) *The auditor may make a photographic record of an index or*
 10 *warrant register and may provide for the destruction of the index*
 11 *or warrant register. Any index or warrant register that is over five*
 12 *years old may be destroyed without being photographically or*
 13 *microphotographically reproduced.*

14 *SEC. 9.5. Section 27001 of the Government Code is amended*
 15 *to read:*

16 27001. The treasurer shall file and keep the certificates of the
 17 auditor delivered to him or her when money is paid into the
 18 treasury. Notwithstanding Sections 26201, 26202, and 26205, the
 19 treasurer may destroy any certificate pursuant to this section under
 20 either of the following circumstances:

21 (a) The certificate has been filed for more than five years.

22 (b) The certificate has been filed for more than one year, and
 23 all of the following conditions are complied with:

24 (1) The record, paper, or document is photographed,
 25 microphotographed, or reproduced on film *or any other medium*
 26 *of a type approved for permanent photographic records by the*
 27 ~~National Bureau of Standards~~ *Institute of Standards and*
 28 *Technology.*

29 (2) The device used to reproduce the record, paper, or document
 30 on film *or any other medium* is one that accurately reproduces the
 31 original thereof in all details.

32 (3) The photographs, microphotographs, or other reproductions
 33 on film *or any other medium* are placed in conveniently accessible
 34 files and provision is made for preserving, examining, and using
 35 the same.

36 (4) The record, paper, or document is reproduced and preserved
 37 utilizing other information ~~technology~~ *technology*.

38 *SEC. 9.6. Chapter 2 (commencing with Section 55850) of Part*
 39 *3 of Division 2 of Title 5 of the Government Code is repealed.*

1 SEC. 10. Section 61062 of the Government Code is amended
2 to read:

3 61062. (a) When acquiring, improving, or using any real
4 property, a district shall comply with Article 5 (commencing with
5 Section 53090) of Chapter 1 of Part 1 of Division 2 of Title 5, and
6 Article 7 (commencing with Section 65400) of Chapter 1 of
7 Division 1 of Title 7.

8 (b) When disposing of surplus land, a district shall comply with
9 Article 8 (commencing with Section 54220) of Chapter 5 of Part
10 1 of Division 2 of Title 5.

11 *SEC. 10.5. Section 65036.6 of the Government Code is*
12 *repealed.*

13 ~~65036.6. The Legislature requests the Governor to direct one~~
14 ~~or more state agencies to examine, by January 1, 1996, the extent~~
15 ~~to which local agencies establish procedures to comply with~~
16 ~~Chapter 5 (commencing with Section 66000) and Chapter 8~~
17 ~~(commencing with Section 66016) of Division 1 of Title 7 of the~~
18 ~~Government Code.~~

19 SEC. 11. Section 65358 of the Government Code is amended
20 to read:

21 65358. (a) If it deems it to be in the public interest, the
22 legislative body may amend all or part of an adopted general plan.
23 An amendment to the general plan shall be initiated in the manner
24 specified by the legislative body. Notwithstanding Section 66016,
25 a legislative body that permits persons to request an amendment
26 of the general plan may require that an amount equal to the
27 estimated cost of preparing the amendment be deposited with the
28 planning agency prior to the preparation of the amendment.

29 (b) Except as otherwise provided in subdivision (c) or (d), no
30 mandatory element of a general plan shall be amended more
31 frequently than four times during any calendar year. Subject to
32 that limitation, an amendment may be made at any time, as
33 determined by the legislative body. Each amendment may include
34 more than one change to the general plan.

35 (c) The limitation on the frequency of amendments to a general
36 plan contained in subdivision (b) does not apply to amendments
37 of the general plan requested and necessary for a single
38 development of residential units, at least 25 percent of which will
39 be occupied by or available to persons and families of low or
40 moderate income, as defined by Section 50093 of the Health and

1 Safety Code. The specified percentage of low- or moderate-income
2 housing may be developed on the same site as the other residential
3 units proposed for development, or on another site or sites
4 encompassed by the general plan, in which case the combined total
5 number of residential units shall be considered a single
6 development proposal for purposes of this section.

7 (d) This section does not apply to the adoption of any element
8 of a general plan or to the amendment of any element of a general
9 plan in order to comply with any of the following:

10 (1) A court decision made pursuant to Article 14 (commencing
11 with Section 65750).

12 (2) Subdivision (b) of Section 65302.3.

13 (3) Subdivision (b) of Section 30500 of the Public Resources
14 Code.

15 ~~SEC. 12. Section 66439 of the Government Code is amended~~
16 ~~to read:~~

17 ~~66439. (a) Dedications of, or offers to dedicate interests in,~~
18 ~~real property for specified public purposes shall be made by a~~
19 ~~statement on the final map, signed and acknowledged by those~~
20 ~~parties having any record title interest in the real property being~~
21 ~~subdivided, subject to the provisions of Section 66436.~~

22 ~~(b) In the event any street shown on a final map is not offered~~
23 ~~for dedication, the statement may contain a declaration to this~~
24 ~~effect. If the statement appears on the final map and if the map is~~
25 ~~approved by the legislative body, the use of the street or streets by~~
26 ~~the public shall be permissive only.~~

27 ~~(c) An offer of dedication of real property for street or public~~
28 ~~utility easement purposes shall be deemed not to include any public~~
29 ~~utility facilities located on or under the real property unless, and~~
30 ~~only to the extent that, an intent to dedicate the facilities is~~
31 ~~expressly declared in the statement.~~

32 ~~(d) (1) Whenever a subdivider is required, pursuant to this~~
33 ~~division or any other provision of law, to make a dedication for~~
34 ~~specified public purposes on a final map, the local agency shall~~
35 ~~specify whether the dedication is to be in fee for public purposes~~
36 ~~or an easement for public purposes.~~

37 ~~(2) If the dedication is required to be in fee for public purposes,~~
38 ~~the subdivider shall use the following language in the dedication~~
39 ~~clause on the parcel map or separate instrument:~~

1 ~~“The real property described below is dedicated in fee for public~~
2 ~~purposes:~~

3 ~~[insert legal description].”~~

4 ~~(3) If the dedication is required to be an easement for public~~
5 ~~purposes, the subdivider shall use the following language in the~~
6 ~~dedication clause on the parcel map or separate instrument:~~

7 ~~“The real property described below is dedicated as an easement~~
8 ~~for public purposes:~~

9 ~~[insert legal description].”~~

10 ~~SEC. 13.~~

11 *SEC. 12.* Section 66442 of the Government Code is amended
12 to read:

13 66442. (a) If a subdivision for which a final map is required
14 lies within an unincorporated area, a certificate or statement by
15 the county surveyor is required. If a subdivision lies within a city,
16 a certificate or statement by the city engineer or city surveyor is
17 required. The appropriate official shall sign, date, and, below or
18 immediately adjacent to the signature, indicate his or her
19 registration or license number with expiration date and the stamp
20 of his or her seal, state that:

21 (1) He or she has examined the map.

22 (2) The subdivision as shown is substantially the same as it
23 appeared on the tentative map, and any approved alterations
24 thereof.

25 (3) All provisions of this chapter and of any local ordinances
26 applicable at the time of approval of the tentative map have been
27 complied with.

28 (4) He or she is satisfied that the map is technically correct.

29 (b) City or county engineers registered as civil engineers after
30 January 1, 1982, shall only be qualified to certify the statements
31 of paragraphs (1), (2), and (3) of subdivision (a). The statement
32 specified in paragraph (4) shall only be certified by a person
33 authorized to practice land surveying pursuant to the Professional
34 Land Surveyors’ Act (Chapter 15 (commencing with Section 8700)
35 of Division 3 of the Business and Professions Code) or a person
36 registered as a civil engineer prior to January 1, 1982, pursuant to
37 the Professional Engineers’ Act (Chapter 7 (commencing with
38 Section 6700) of Division 3 of the Business and Professions Code).
39 The county surveyor, the city surveyor, or the city engineer, as the
40 case may be, or other public official or employee qualified and

1 authorized to perform the functions of one of those officials, shall
2 complete and file with his or her legislative body his or her
3 certificate or statement, as required by this section, within 20 days
4 from the time the final map is submitted to him or her by the
5 subdivider for approval.

6 (c) As used in this section, “certificate,” “certify,” and “certified”
7 shall have the same meaning as provided in Sections 6735.5 and
8 8770.6 of the Business and Professions Code.

9 ~~SEC. 14. Section 66447 of the Government Code is amended~~
10 ~~to read:~~

11 ~~66447. (a) If dedications or offers of dedication are required,~~
12 ~~they may be made either by a statement on the parcel map or by~~
13 ~~separate instrument, as provided by local ordinance. If dedications~~
14 ~~or offers of dedication are made by separate instrument, the~~
15 ~~dedications or offers of dedication shall be recorded concurrently~~
16 ~~with, or prior to, the parcel map being filed for record.~~

17 ~~(b) The dedication or offers of dedication, whether by statement~~
18 ~~on the parcel map or by separate instrument, shall be signed by~~
19 ~~the same parties and in the same manner as set forth in Section~~
20 ~~66439 for dedications by a final map.~~

21 ~~(c) (1) Whenever a subdivider is required, pursuant to this~~
22 ~~division or any other provision of law, to make a dedication for~~
23 ~~specified public purposes either by a statement on the parcel map~~
24 ~~or by separate instrument, the local agency shall specify whether~~
25 ~~the dedication is to be in fee for public purposes or an easement~~
26 ~~for public purposes.~~

27 ~~(2) If the dedication is required to be in fee for public purposes,~~
28 ~~the subdivider shall use the following language in the dedication~~
29 ~~clause on the parcel map or separate instrument:~~

30 ~~“The real property described below is dedicated in fee for public~~
31 ~~purposes:~~
32 ~~{insert legal description}.”~~

33 ~~(3) If the dedication is required to be an easement for public~~
34 ~~purposes, the subdivider shall use the following language in the~~
35 ~~dedication clause on the parcel map or separate instrument:~~

36 ~~“The real property described below is dedicated as an easement~~
37 ~~for public purposes:~~
38 ~~{insert legal description}.”~~

1 ~~SEC. 15.~~

2 *SEC. 13.* Section 66472.1 of the Government Code is amended
3 to read:

4 66472.1. In addition to the amendments authorized by Section
5 66469, after a final map or parcel map is filed in the office of the
6 county recorder, the recorded final map may be modified by a
7 certificate of correction or an amending map, if authorized by local
8 ordinance, if the local agency finds that there are changes in
9 circumstances that make any or all of the conditions of the map
10 no longer appropriate or necessary and that the modifications do
11 not impose any additional burden on the fee owners of the real
12 property, and if the modifications do not alter any right, title, or
13 interest in the real property reflected on the recorded map, and the
14 local agency finds that the map as modified conforms to Section
15 66474. Any modification shall be set for public hearing as provided
16 for in Section 66451.3. The local agency shall confine the hearing
17 to consideration of, and action on, the proposed modification.

18 *SEC. 13.5. Title 7.91 (commencing with Section 68056) of the*
19 *Government Code is repealed.*

20 *SEC. 14. Section 20008 is added to the Health and Safety Code,*
21 *to read:*

22 *20008. Any district in existence on January 1, 2008, in an*
23 *unincorporated town may protect and safeguard life and property,*
24 *and may equip and maintain a police department, including*
25 *purchasing and maintaining ambulances, and otherwise securing*
26 *police protection.*

27 *SEC. 15. Article 2 (commencing with Section 20025) of Chapter*
28 *1 of Part 1 of Division 14 of the Health and Safety Code is*
29 *repealed.*

30 *SEC. 15.1. Article 2.6 (commencing with Section 20050) of*
31 *Chapter 1 of Part 1 of Division 14 of the Health and Safety Code*
32 *is repealed.*

33 *SEC. 15.2. Section 20109 of the Health and Safety Code is*
34 *repealed.*

35 ~~20109. At the time of levying the county taxes, the board shall~~
36 ~~levy a tax upon all the taxable property in the district sufficient to~~
37 ~~raise any amount reported to it pursuant to this article by the district~~
38 ~~board. The rate of the tax shall be ascertained by first deducting~~
39 ~~fifteen per cent for anticipated delinquencies from the aggregate~~
40 ~~assessed value of the property appearing on the county assessment~~

1 ~~roll, and then dividing the amount reported by the remainder of~~
 2 ~~the aggregate assessed value. The tax shall be computed and~~
 3 ~~entered on the assessment roll by the county auditor and collected~~
 4 ~~at the same time and in the same manner as county taxes.~~

5 *SEC. 15.3. Section 20109 is added to the Health and Safety*
 6 *Code, to read:*

7 *20109. The auditor of each county in which a district is located*
 8 *shall allocate to the district, its share of property tax revenue*
 9 *pursuant to Chapter 6 (commencing with Section 95) of Part 0.5*
 10 *of Division 1 of the Revenue and Taxation Code.*

11 *SEC. 15.4. Section 20110 of the Health and Safety Code is*
 12 *repealed.*

13 ~~20110. Any amount of money raised for the establishment and~~
 14 ~~equipment of a police station in a district by a special tax levied~~
 15 ~~pursuant to this article shall not exceed in any one year one per~~
 16 ~~cent of the assessed value of the taxable property in the district.~~

17 *SEC. 15.5. Section 20110 is added to the Health and Safety*
 18 *Code, to read:*

19 *20110. A district may levy special taxes services pursuant to*
 20 *the following:*

21 *(a) Article 3.5 (commencing with Section 50075) of Chapter 1*
 22 *of Part 1 of Division 1 of the Government Code.*

23 *(b) Article 16 (commencing with Section 53970) of Chapter 4*
 24 *of Part 1 of Division 2 of Title 5 of the Government Code.*

25 *SEC. 15.6. Section 20111 of the Health and Safety Code is*
 26 *repealed.*

27 ~~20111. (a) Except as otherwise provided in subdivision (b),~~
 28 ~~any amount of money raised for the maintenance of a police~~
 29 ~~department in a district by an annual tax levied pursuant to this~~
 30 ~~article shall not exceed three-fourths of 1 percent of the assessed~~
 31 ~~value of the taxable property in the district.~~

32 ~~(b) If the district desires to change the maximum amount of~~
 33 ~~money established by subdivision (a) for maintenance of a police~~
 34 ~~department, the district board shall call a special election to submit~~
 35 ~~a proposed new maximum to the voters of the district. The~~
 36 ~~proposed new maximum shall be expressed on the ballot in the~~
 37 ~~same manner as the maximum amount is expressed in subdivision~~
 38 ~~(a). A majority of the votes cast at such an election shall be required~~
 39 ~~to approve the proposed new maximum. No maximum established~~

1 ~~pursuant to this subdivision shall exceed 1-½ percent of the~~
2 ~~assessed value of taxable property in the district.~~

3 *SEC. 15.7. Chapter 2 (commencing with Section 20300) of*
4 *Part 1 of Division 14 of the Health and Safety Code is repealed.*

5 SEC. 16. Section 33031 of the Health and Safety Code is
6 amended to read:

7 33031. (a) This subdivision describes physical conditions that
8 cause blight:

9 (1) Buildings in which it is unsafe or unhealthy for persons to
10 live or work. These conditions may be caused by serious building
11 code violations, serious dilapidation and deterioration caused by
12 long-term neglect, construction that is vulnerable to serious damage
13 from seismic or geologic hazards, and faulty or inadequate water
14 or sewer utilities.

15 (2) Conditions that prevent or substantially hinder the viable
16 use or capacity of buildings or lots. These conditions may be caused
17 by buildings of substandard, defective, or obsolete design or
18 construction given the present general plan, zoning, or other
19 development standards.

20 (3) Adjacent or nearby incompatible land uses that prevent the
21 development of those parcels or other portions of the project area.

22 (4) The existence of subdivided lots that are in multiple
23 ownership and whose physical development has been impaired by
24 their irregular shapes and inadequate sizes, given present general
25 plan and zoning standards and present market conditions.

26 (b) This subdivision describes economic conditions that cause
27 blight:

28 (1) Depreciated or stagnant property values.

29 (2) Impaired property values, due in significant part, to
30 hazardous wastes on property where the agency may be eligible
31 to use its authority as specified in Article 12.5 (commencing with
32 Section 33459).

33 (3) Abnormally high business vacancies, abnormally low lease
34 rates, or an abnormally high number of abandoned buildings.

35 (4) A serious lack of necessary commercial facilities that are
36 normally found in neighborhoods, including grocery stores, drug
37 stores, and banks and other lending institutions.

38 (5) Serious residential overcrowding that has resulted in
39 significant public health or safety problems. As used in this
40 paragraph, “overcrowding” means exceeding the standard

1 referenced in Article 5 (commencing with Section 32) of Chapter
2 1 of Title 25 of the California Code of Regulations.

3 (6) An excess of bars, liquor stores, or adult-oriented businesses
4 that has resulted in significant public health, safety, or welfare
5 problems.

6 (7) A high crime rate that constitutes a serious threat to the
7 public safety and welfare.

8 SEC. 17. Section 40980 of the Health and Safety Code is
9 amended to read:

10 40980. (a) The Sacramento district shall, at a minimum, be
11 governed by a district board composed of the Board of Supervisors
12 of the County of Sacramento.

13 (b) If the County of Placer submits a resolution of inclusion,
14 pursuant to Section 40963, one or more elected officials from that
15 county shall be included on the Sacramento district board, pursuant
16 to agreement between that county and the Sacramento district
17 board.

18 (c) (1) The membership of the Sacramento district board shall
19 include one or more members who are mayors or city council
20 members, or both, and one or more members who are county
21 supervisors.

22 (2) The number of those members and their composition shall
23 be determined jointly by the counties and cities within the district,
24 and shall be approved by a majority of the counties, and by a
25 majority of the cities that contain a majority of the population in
26 the incorporated area of the district.

27 (d) The governing board shall reflect, to the extent feasible and
28 practicable, the geographic diversity of the district and the variation
29 of population between the cities in the district.

30 (e) (1) Except as provided in paragraph (2), the members of
31 the governing board who are mayors or city council members shall
32 be selected by the city council of the city that they represent. The
33 members of the governing board who are county supervisors shall
34 be selected by the county if the district only contains one county
35 or a majority of counties within the district if the district contains
36 more than one county.

37 (2) The city selection committee shall be convened to select a
38 member of the governing board from nominees who are mayors
39 or city council members only if there is to be a change in a board
40 member designated to represent more than one city, and only if

1 more than one of those cities submits nominees for that board
2 member position.

3 (3) When selecting a member of the governing board, a city
4 council and the city selection committee may also appoint a mayor
5 or another city council member as an alternate to serve and vote
6 in place of the member who is absent or is disqualified from
7 participating.

8 (f) (1) If the district fails to comply with subdivision (c),
9 one-third of the members of the governing board shall be mayors
10 or city council members, and two-thirds shall be county
11 supervisors. The number of those members shall be determined
12 as provided in paragraph (2) of subdivision (c), and the members
13 shall be selected pursuant to subdivision (e).

14 (2) For purposes of paragraph (1), if any number which is not
15 a whole number results from the application of the term “one-third”
16 or “two-thirds,” the number of county supervisors shall be
17 increased to the nearest integer, and the number of mayors or city
18 council members decreased to the nearest integer.

19 SEC. 18. Section 35104 of the Public Resources Code is
20 repealed.

21 SEC. 19. Section 35107 of the Public Resources Code is
22 repealed.

23 SEC. 20. Section 35122 of the Public Resources Code is
24 repealed.

25 SEC. 21. Section 35123 of the Public Resources Code is
26 repealed.

27 SEC. 22. Section 35123 is added to the Public Resources Code,
28 to read:

29 35123. (a) Commencing in 2008, the elections of members of
30 the governing board shall be held during the statewide election in
31 November of the year that the term expires.

32 (b) The elections and the terms of office of the members of the
33 governing board shall be determined pursuant to the Uniform
34 District Election Law (Part 4 (commencing with Section 10500)
35 of Division 10 of the Elections Code).

36 (c) Any vacancy in the office of a member of the governing
37 board shall be filled pursuant to Section 1780 of the Government
38 Code.

39 SEC. 23. Section 35124 of the Public Resources Code is
40 repealed.

1 SEC. 24. Section 35124 is added to the Public Resources Code,
2 to read:

3 35124. Each member of the governing board may receive
4 compensation in the amount of seventy-five dollars (\$75) for
5 attending each meeting of the governing board, not to exceed two
6 meetings in any calendar month, together with any actual and
7 necessary expenses incurred in the performance of his or her
8 official duties required or authorized by the governing board. The
9 determination of whether a member's activities on any specific
10 day are compensable shall be made pursuant to Article 2.3
11 (commencing with Section 53232) of Chapter 2 of Part 1 of
12 Division 2 of Title 5 of the Government Code. Reimbursement for
13 expenses is subject to Section 53232.2 and 53232.3 of the
14 Government Code.

15 SEC. 25. Section 35130 of the Public Resources Code is
16 repealed.

17 SEC. 26. Section 35130 is added to the Public Resources Code,
18 to read:

19 35130. At the first governing board meeting in January of each
20 year, the governing board shall select a chairperson who shall
21 preside at all meetings, and a vice chairperson, who shall preside
22 in the absence of the chairperson. In the event of the absence of
23 the chairperson and the vice chairperson, the members present, by
24 an order entered into the minutes, shall select one of the members
25 present to act as chairperson pro tempore, who, while so acting,
26 has all of the authority of the chairperson.

27 SEC. 27. Section 35138 of the Public Resources Code is
28 repealed.

29 SEC. 28. Section 35160 of the Public Resources Code is
30 repealed.

31 *SEC. 28.1. Section 70223 of the Public Utilities Code is*
32 *amended to read:*

33 70223. A retail transactions and use tax ordinance may be
34 adopted by the board in accordance with the Part 1.6 (commencing
35 with Section 7251), Division 2 of the Revenue and Taxation Code,
36 ~~if a majority~~ *two-thirds* of the electors voting on the measure vote
37 to authorize its enactment at a special election called for that
38 purpose by the board. Notwithstanding Sections 7261 and 7262
39 of the Revenue and Taxation Code, the retail transactions and use

1 tax ordinance shall provide for imposition of a tax at a rate of
2 one-half of 1 percent or at a lower rate specified in the ordinance.

3 *SEC. 28.2. Section 98290 of the Public Utilities Code is*
4 *amended to read:*

5 98290. A retail transactions and use tax ordinance may be
6 adopted by the board in accordance with the provisions of Part 1.6
7 (commencing with Section 7251), Division 2 of the Revenue and
8 Taxation Code, provided that ~~a majority~~ *two-thirds* of the electors
9 voting on the measure vote to authorize its enactment at a special
10 election called for that purpose by the board.

11 *SEC. 28.3. Section 100250 of the Public Utilities Code is*
12 *amended to read:*

13 100250. A retail transactions and use tax ordinance may be
14 adopted by the board in accordance with the provisions of Part 1.6
15 (commencing with Section 7251), Division 2 of the Revenue and
16 Taxation Code, provided that ~~a majority~~ *two-thirds* of the electors
17 voting on the measure vote to authorize its enactment at a special
18 election called for that purpose by the board.

19 *SEC. 28.4. Section 102350 of the Public Utilities Code is*
20 *amended to read:*

21 102350. A retail transactions and use tax ordinance may be
22 adopted by the board in accordance with the provisions of Part 1.6
23 (commencing with Section 7251) of Division 2 of the Revenue
24 and Taxation Code, provided that ~~a majority~~ *two-thirds* of the electors
25 voting on the measure vote to authorize its enactment at a special
26 election called for that purpose by the board.

27 *SEC. 28.5. Section 130350 of the Public Utilities Code is*
28 *amended to read:*

29 130350. A retail transactions and use tax ordinance applicable
30 in the incorporated and unincorporated territory of the County of
31 Los Angeles may be adopted by the Los Angeles County
32 Transportation Commission in accordance with Part 1.6
33 (commencing with Section 7251) of Division 2 of the Revenue
34 and Taxation Code, provided that ~~a majority~~ *two-thirds* of the
35 electors voting on the measure vote to authorize its enactment at
36 a special election called for that purpose by the commission.

37 *SEC. 28.6. Section 130401 of the Public Utilities Code is*
38 *amended to read:*

39 130401. A retail transactions and use tax ordinance applicable
40 in the incorporated and unincorporated territory of the county may

1 be adopted by the commission in accordance with Section 130410
 2 and Part 1.6 (commencing with Section 7251) of Division 2 of the
 3 Revenue and Taxation Code, if ~~a majority~~ *two-thirds* of the electors
 4 voting on the measure vote to approve its imposition at a special
 5 election called for that purpose by the commission and an
 6 expenditure plan is adopted pursuant to Section 130406.

7 *SEC. 28.7. Section 131102 of the Public Utilities Code is*
 8 *amended to read:*

9 131102. (a) Except as provided in subdivision (b), a retail
 10 transactions and use tax ordinance for a tax of either one-half of
 11 1 percent or 1 percent applicable in the incorporated and
 12 unincorporated territory of a county may be imposed by a county
 13 transportation authority or the commission in the manner prescribed
 14 in Section 131103 and Part 1.6 (commencing with Section 7251)
 15 of Division 2 of the Revenue and Taxation Code, if ~~a majority~~
 16 *two-thirds* of the electors voting on the measure vote to approve
 17 its imposition at an election which shall be called for this purpose
 18 by the board of supervisors within one year after the adoption of
 19 a county transportation expenditure plan.

20 (b) The rate of tax imposed pursuant to subdivision (a) together
 21 with the rate of tax imposed pursuant to the Transactions and Use
 22 Tax Law (Part 1.6 (commencing with Section 7251) of Division
 23 2 of the Revenue and Taxation Code) by any entity, as authorized
 24 by any other provision of law, shall not exceed 1 percent in any
 25 county.

26 (c) The ordinance shall take effect at the close of the polls on
 27 the day of election at which the proposition, as set forth in Section
 28 131108, is adopted. The ordinance shall specify the period, as
 29 determined by the adopted county transportation expenditure plan
 30 during which the tax will be imposed. The tax may be terminated
 31 earlier if the projects in the adopted plan are completed and any
 32 bonds outstanding issued pursuant to this division are redeemed.

33 *SEC. 28.8. Section 132301 of the Public Utilities Code is*
 34 *amended to read:*

35 132301. A retail transactions and use tax ordinance applicable
 36 in the incorporated and unincorporated territory of the county shall
 37 be imposed by the commission in accordance with Section 132307
 38 and Part 1.6 (commencing with Section 7251) of Division 2 of the
 39 Revenue and Taxation Code, if ~~a majority~~ *two-thirds* of the electors
 40 voting on the measure vote to approve its imposition at a special

1 election called for that purpose by the commission. The tax
2 ordinance shall take effect at the close of the polls on the day of
3 election at which the proposition is adopted. The initial collection
4 of the transactions and use tax shall take place in accordance with
5 Section 132304.

6 If, at any time, the voters do not approve the imposition of the
7 transactions and use tax, this chapter remains in full force and
8 effect. The commission may, at any time thereafter, submit the
9 same, or a different, measure to the voters in accordance with this
10 chapter.

11 *SEC. 28.9. Section 190300 of the Public Utilities Code is*
12 *amended to read:*

13 190300. The Legislature, by the enactment of this chapter,
14 intends the additional funds provided government agencies by this
15 chapter to supplement existing local revenues being used for
16 transportation purposes. The government agencies shall maintain
17 their existing commitment of local funds for transportation
18 purposes pursuant to an ordinance adopted by the commission to
19 enforce this section.

20 The commission may levy a retail transactions and use tax
21 applicable in the incorporated and unincorporated territory of the
22 county in accordance with this chapter and Part 1.6 (commencing
23 with Section 7251) of Division 2 of the Revenue and Taxation
24 Code. The ordinance shall only become effective if adopted by a
25 two-thirds vote of the commission and subsequently approved by
26 ~~a majority~~ *two-thirds* of the electors voting on the measure at a
27 special election called for the purpose by the board of supervisors
28 or at any regular election. The board of supervisors shall call the
29 election upon being requested to do so by a resolution adopted by
30 the commission, but not otherwise. The commission shall specify
31 in the ordinance that not more than 1 percent of the annual amount
32 of revenues raised by the tax may be used to fund the salaries and
33 benefits of the staff of the commission in administering the
34 programs funded from that tax. The ordinance shall take effect at
35 the close of the polls on the day of election at which the proposition
36 is adopted. The initial collection of the transactions and use tax
37 shall take place in accordance with Section 190304.

38 If the voters do not approve the ordinance, the board of
39 supervisors may, at any time thereafter, submit the same, or a

1 different, measure, if adopted by a two-thirds vote of the
2 commission, to the voters in accordance with this division.

3 *SEC. 28.10. Section 240301 of the Public Utilities Code is*
4 *amended to read:*

5 240301. The commission may levy a retail transactions and
6 use tax applicable in the incorporated and unincorporated territory
7 of the county in accordance with this chapter and Part 1.6
8 (commencing with Section 7251) of Division 2 of the Revenue
9 and Taxation Code. The ordinance shall only become effective if
10 adopted by a two-thirds vote of the commission and subsequently
11 approved by ~~a majority~~ *two-thirds* of the electors voting on the
12 measure at a special election called for the purpose by the board
13 of supervisors or at any regular election. The commission shall
14 specify in the ordinance that not more than 1 percent of the annual
15 net amount of revenues raised by the tax may be used to fund the
16 salaries and benefits of the staff of the commission in administering
17 the programs funded from that tax. The ordinance shall take effect
18 at the close of the polls on the day of election at which the
19 proposition is adopted. The initial collection of the transactions
20 and use tax shall take place in accordance with Section 240304.

21 If the voters do not approve the ordinance, the board of
22 supervisors may, at any time thereafter, submit the same, or a
23 different, measure, if adopted by a two-thirds vote of the
24 commission, to the voters in accordance with this division.

25 *SEC. 29. Section 95 of the Revenue and Taxation Code is*
26 *amended to read:*

27 95. For the purpose of this chapter:

28 (a) "Local agency" means a city, county, and special district.

29 (b) "Jurisdiction" means a local agency, school district,
30 community college district, or county superintendent of schools.
31 A jurisdiction as defined in this subdivision is a "district" for
32 purposes of Section 1 of Article XIII A of the California
33 Constitution.

34 For jurisdictions located in more than one county, the county
35 auditor of each county in which that jurisdiction is located shall,
36 for the purposes of computing the amount for that jurisdiction
37 pursuant to this chapter, treat the portion of the jurisdiction located
38 within that county as a separate jurisdiction.

39 (c) "Property tax revenue" includes the amount of state
40 reimbursement for the homeowners' exemption. "Property tax

1 revenue” does not include the amount of property tax levied for
2 the purpose of making payments for the interest and principal on
3 either of the following:

4 (1) General obligation bonds or other indebtedness approved
5 by the voters prior to July 1, 1978, including tax rates levied
6 pursuant to Part 10 (commencing with Section 15000) of Division
7 1 of, and Sections 39308 and 39311 and former Sections 81338
8 and 81341 of the Education Code, and Section 26912.7 of the
9 Government Code.

10 (2) Bonded indebtedness for the acquisition or improvement of
11 real property approved by two-thirds of the voters on or after June
12 4, 1986.

13 (d) “Taxable assessed value” means total assessed value minus
14 all exemptions other than the homeowners’ and business inventory
15 exemptions.

16 (e) “Jurisdictional change” includes any change of organization,
17 as defined in Section 56021 of the Government Code and a
18 reorganization, as defined in Section 56073 of the Government
19 Code. “Jurisdictional change” also includes any change in the
20 boundary of those special districts that are not under the jurisdiction
21 of a local agency formation commission.

22 “Jurisdictional change” also includes a functional consolidation
23 where two or more local agencies, except two or more counties,
24 exchange or otherwise reassign functions and any change in the
25 boundaries of a school district or community college district or
26 county superintendent of schools.

27 (f) “School entities” means school districts, community college
28 districts, the Educational Revenue Augmentation Fund, and county
29 superintendents of schools.

30 (g) Except as otherwise provided in this subdivision, “tax rate
31 area” means a specific geographic area all of which is within the
32 jurisdiction of the same combination of local agencies and school
33 entities for the current fiscal year.

34 In the case of a jurisdictional change pursuant to Section 99, the
35 area subject to the change shall constitute a new tax rate area,
36 except that if the area subject to change is within the same
37 combinations of local agencies and school entities as an existing
38 tax rate area, the two tax rate areas may be combined into one tax
39 rate area.

1 Existing tax rate areas having the same combinations of local
2 agencies and school entities may be combined into one tax rate
3 area. For the combination of existing tax rate areas, the factors
4 used to allocate the annual tax increment pursuant to Section 98
5 shall be determined by calculating a weighted average of the annual
6 tax increment factors used in the tax rate areas being combined.

7 (h) “State assistance payments” means:

8 (1) For counties, amounts determined pursuant to subdivision
9 (b) of Section 16260 of the Government Code, increased by the
10 amount specified for each county pursuant to Section 94 of Chapter
11 282 of the Statutes of 1979, with the resultant sum reduced by an
12 amount derived by the calculation made pursuant to Section 16713
13 of the Welfare and Institutions Code.

14 (2) For cities, 82.91 percent of the amounts determined pursuant
15 to subdivisions (b) and (i) of Section 16250 of the Government
16 Code, plus for any city an additional amount equal to one-half of
17 the amount of any outstanding debt as of June 30, 1978, for
18 “museums” as shown in the Controller’s “Annual Report of
19 Financial Transactions of Cities for Fiscal Year 1977–78.”

20 (3) For special districts, 95.24 percent of the amounts received
21 pursuant to Chapter 3 (commencing with Section 16270) of Part
22 1.5 of Division 4 of Title 2 of the Government Code, Section 35.5
23 of Chapter 332 of the Statutes of 1978, and Chapter 12 of the
24 Statutes of 1979.

25 (i) “City clerk” means the clerk of the governing body of a city
26 or city and county.

27 (j) “Executive officer” means the executive officer of a local
28 agency formation commission.

29 (k) “City” means any city whether general law or charter, except
30 a city and county.

31 (l) “County” means any chartered or general law county.
32 “County” includes a city and county.

33 (m) “Special district” means any agency of the state for the local
34 performance of governmental or proprietary functions within
35 limited boundaries. “Special district” includes a county service
36 area, a maintenance district or area, an improvement district or
37 improvement zone, or any other zone or area, formed for the
38 purpose of designating an area within which a property tax rate
39 will be levied to pay for a service or improvement benefiting that
40 area. “Special district” includes the Bay Area Air Quality

1 Management District. “Special district” does not include a city, a
 2 county, a school district, or a community college district. “Special
 3 district” does not include any agency that is not authorized by
 4 statute to levy a property tax rate. However, any special district
 5 authorized to levy a property tax by the statute under which the
 6 district was formed shall be considered a special district.
 7 Additionally, a county free library established pursuant to Article
 8 1 (commencing with Section 19100) of Chapter 6 of Part 11 of
 9 Division 1 of Title 1 of the Education Code, and for which a
 10 property tax was levied in the 1977–78 fiscal year, shall be
 11 considered a special district.

12 (n) “Excess tax school entity” means an educational agency for
 13 which the amount of the state funding entitlement determined
 14 under Section 2558, 42238, 84750, or 84751 of the Education
 15 Code, as appropriate, is zero.

16 *SEC. 29.3. Section 7262.5 of the Revenue and Taxation Code*
 17 *is repealed.*

18 ~~7262.5. In addition to the tax levied pursuant to Part 1.5~~
 19 ~~(commencing with Section 7200), the County of Mendocino may~~
 20 ~~impose a transactions and use tax by the adoption of an ordinance~~
 21 ~~in accordance with this part if each of the following conditions are~~
 22 ~~met:~~

23 ~~(a) The ordinance imposing the tax is submitted to and approved~~
 24 ~~by the voters of the county in accordance with Article 3.7~~
 25 ~~(commencing with Section 53720) of Chapter 4 of Part 1 of~~
 26 ~~Division 2 of Title 5 of the Government Code.~~

27 ~~(b) The tax is imposed at a rate of $\frac{1}{2}$ or 1 percent and for a~~
 28 ~~period not to exceed five years.~~

29 ~~(c) The revenues collected from the tax may be used only for~~
 30 ~~the purpose of funding county library programs and operations.~~

31 *SEC. 29.5. Section 7262.6 of the Revenue and Taxation Code*
 32 *is repealed.*

33 ~~7262.6. In addition to the tax levied pursuant to Part 1.5~~
 34 ~~(commencing with Section 7200), the Fresno Metropolitan Projects~~
 35 ~~Authority may impose a transactions and use tax by adoption of~~
 36 ~~an ordinance in accordance with this part if each of the following~~
 37 ~~conditions are met:~~

38 ~~(a) The ordinance imposing the tax is submitted to and approved~~
 39 ~~by the voters of the adopted sphere of influence of the City of~~
 40 ~~Fresno, as identified in Resolution Number AD-89-5 of the Fresno~~

1 ~~County Local Agency Formation Commission, as revised May 2,~~
2 ~~1990, in accordance with Article 3.7 (commencing with Section~~
3 ~~53720) of Chapter 4 of Part 1 of Division 2 of Title 5 of the~~
4 ~~Government Code.~~

5 ~~(b) The tax is imposed at a rate of one-tenth of 1 percent and~~
6 ~~for a period not to exceed 20 years.~~

7 ~~(c) The revenues collected from the tax may be used only for~~
8 ~~funding purposes as described in Title 7.91 (commencing with~~
9 ~~Section 68056) of the Government Code.~~

10 ~~(d) The State Board of Equalization charges the authority an~~
11 ~~amount for its services in administering the transactions and use~~
12 ~~tax in accordance with Section 7273, with allowable adjustments,~~
13 ~~if necessary, for the board's administration of the tax due to unique~~
14 ~~circumstances of the authority relating to its tax rate and its~~
15 ~~boundaries.~~

16 SEC. 30. Section 3110 of the Streets and Highways Code is
17 amended to read:

18 3110. (a) The proposed boundaries of the district to be
19 specially taxed or assessed in proceedings shall be described by
20 resolution or ordinance adopted by the legislative body prior to
21 the hearing on the formation or extent of the district. The
22 description of the proposed boundaries shall be by reference to a
23 map of the district which shall indicate by a boundary line the
24 extent of the territory included in the proposed district and the map
25 shall govern for all details as to the extent of the district. The map
26 shall also contain the name of the city and a distinctive designation,
27 in words or by number, of the district shown on the map.

28 (b) The map shall be legibly drawn, printed or reproduced by
29 a process that provides a permanent record. Each sheet of paper
30 or other material used for the map shall be 18 by 26 inches in size,
31 shall have clearly shown therein the particular number of the sheet,
32 the total number of sheets comprising the map, and its relation to
33 each adjoining sheet, and shall have encompassing its border a
34 line that leaves a blank margin one inch in width.

35 The map shall be labeled substantially as follows: Proposed
36 Boundaries of (here insert name or number of district) (here insert
37 name of city and county thereafter), State of California.

38 In addition, if the resolution of intention to create the district
39 proposes that some or all tax or bond proceeds of the district would
40 be used to pay for cleanup of any hazardous substance pursuant

1 to subdivision (f) of Section 53313 of the Government Code, the
2 map label shall include the following statement in large,
3 conspicuous letters:

4 TAXES LEVIED BY THIS DISTRICT MAY BE USED TO
5 PAY FOR CLEANUP OF HAZARDOUS SUBSTANCES.

6 If the map consists of more than one page, the same entitlement
7 shall be on each page.

8 The map shall also have thereon legends reading substantially
9 as follows:

10 (1) Filed in the office of the (clerk of the legislative body) this
11 ____ day of ____ 20__.

12
13 _____
14 (Clerk of the legislative body)
15

16 (2) I hereby certify that the within map showing proposed
17 boundaries of (here insert name or number of district) (here insert
18 name of city, and, if not a county, insert name of county thereafter),
19 State of California, was approved by the city council (or other
20 appropriate legislative body) of the (here insert city) at a regular
21 meeting thereof, held on the ____ day of ____, 20__, by its
22 Resolution No. ____.

23 (3) Filed this ____ day of ____, 20__, at the hour of ____
24 o'clock _m. in Book ____ of Maps of Assessment and Community
25 Facilities Districts at page ____, in the office of the county recorder
26 in the County of ____, State of California.

27
28 _____
29 (County Recorder of County of ____)
30

31 SEC. 31. In amending Section 1780 of the Government Code
32 by this act, it is the intent of the Legislature to codify the court's
33 interpretation of that section as expressed in Robson v. Upper San
34 Gabriel Valley Municipal Water District (2006) 142 Cal.App.4th
35 877.

36 SEC. 32. With respect to Sections 9, 23, 25, and 27 of this act,
37 the Legislature finds and declares that a special law is necessary
38 and a general law cannot be made applicable within the meaning
39 of Section 16 of Article IV of the California Constitution because
40 of the unique circumstances of Mendocino County and Santa Clara

1 County respectively. The facts constituting the special
2 circumstances include the need to reorganize the structure and
3 duties of county officers to reduce costs, increase productivity,
4 and enhance public service in those counties.

5 SEC. 33. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 a local agency or school district has the authority to levy service
8 charges, fees, or assessments sufficient to pay for the program or
9 level of service mandated by this act, within the meaning of Section
10 17556 of the Government Code.