

**ASSEMBLY BILL**

**No. 544**

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**Introduced by Assembly Member Coto**

February 25, 2009

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An act to add and repeal Section 6529.5 of the Government Code, relating to joint powers agreements.

LEGISLATIVE COUNSEL'S DIGEST

AB 544, as introduced, Coto. Joint powers agreement: Tule River Tribal Council.

The Joint Exercise of Powers Act authorizes 2 or more public agencies, by agreement, to jointly exercise common powers and defines public agencies for this purpose.

This bill would amend the act to authorize the Tule River Tribal Council, as the governing body of the Tule River Indian Reservation of California, a federally recognized Indian tribe to enter into a joint powers agreement with the City of Porterville to create a joint powers agency, known as the Porterville Airport Area Development Authority (PAADA), for the sole purpose of developing approximately 1,200 acres of land in the vicinity of the Porterville Airport. The bill would specify the membership of the PAADA's 5-member board and require that all actions taken by PAADA be by an affirmative vote of 4 members of the board. The bill would authorize PAADA to take various actions, including jointly planning land use, incurring debt, making lease purchase arrangements, and issuing revenue bonds and certificates of participation. The bill would prohibit PAADA from authorizing or issuing bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985, unless the funded public improvements will be owned and maintained by PAADA or one or more public agency members, and

the revenue streams pledged to repay the bonds derive from PAADA or one or more of its public agency members. The bill would repeal its provisions on January 1, 2039.

This bill would state the findings and declarations of the Legislature concerning the need for special legislation.

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

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

1 SECTION 1. Section 6529.5 is added to the Government Code,  
2 to read:

3 6529.5. (a) For purposes of this section the following  
4 definitions shall apply:

5 (1) "PAADA" means the Porterville Airport Area Development  
6 Authority created pursuant to subdivision (b).

7 (2) "Board" means the board of directors of PAADA created  
8 pursuant to subdivision (c).

9 (b) The Tule River Tribal Council, as the governing body of  
10 the Tule River Indian Reservation of California, a federally  
11 recognized Indian tribe, may enter into a joint powers agreement  
12 with the City of Porterville to create a joint powers agency, to be  
13 known as the Porterville Airport Area Development Authority, for  
14 the sole purpose of developing approximately 1,200 acres of land  
15 in the vicinity of the Porterville Airport. The Tule River Tribal  
16 Council is deemed to be a public agency for purposes of this  
17 chapter.

18 (c) (1) The board of directors of PAADA shall consist of two  
19 members appointed by the city council of the City of Porterville,  
20 two members appointed by the Tule River Tribal Council, and one  
21 member appointed by the other four members.

22 (2) An action taken by PAADA shall require an affirmative vote  
23 of at least four members of the board.

24 (d) PAADA may take any of the following actions:

25 (1) Jointly plan for land use.

26 (2) Adopt a specific plan for land use.

27 (3) Take action to implement the land use plan and specific  
28 plan, including the adoption and enforcement of zoning ordinances.

1 (4) Receive fees in lieu of taxes that would be paid on behalf  
2 of tribal lands included within the boundaries of PAADA if these  
3 lands were not tribal lands.

4 (5) Use moneys from payments in lieu of taxes to provide  
5 services deemed necessary by the board.

6 (6) Enter into leases.

7 (7) Incur debt with unanimous vote of the board, including  
8 making lease purchase arrangements and issuing of revenue bonds  
9 and certificates of participation based upon the revenues from fees  
10 received in lieu of taxes on tribal lands, in accordance with the  
11 requirements of subdivision (f).

12 (8) Adopt ordinances calling for the provision of services.

13 (9) Take action to enforce adopted ordinances.

14 (e) (1) Both of the following acts shall apply to PAADA:

15 (A) The California Public Records Act (Chapter 3.5  
16 commencing with Section 6250) of Division 7 of Title 1).

17 (B) The Ralph M. Brown Act (Chapter 9 (commencing with  
18 Section 54950) of Division 2 of Title 5).

19 (2) PAADA shall not use tribal nation status to avoid or  
20 circumvent the requirements specified in paragraph (1) or any  
21 other state law that otherwise applies to a local governmental  
22 agency.

23 (3) All meetings of PAADA shall be held at a site available to  
24 the general public in full compliance with the Ralph M. Brown  
25 Act (Chapter 9 (commencing with Section 54950) of Division 2  
26 of Title 5).

27 (4) All records of PAADA shall be located and maintained at  
28 a site available for inspection by the general public pursuant to the  
29 California Public Records Act (Chapter 3.5 (commencing with  
30 Section 6250) of Division 7 of Title 1).

31 (f) PAADA shall not issue bonds pursuant to the Marks-Roos  
32 Local Bond Pooling Act of 1985 (Article 4 (commencing with  
33 Section 6584)), unless the public improvements to be funded by  
34 the bonds will be owned and maintained by PAADA or one or  
35 more of its public agency members, and the revenue streams  
36 pledged to repay the bonds derive from the authority or its public  
37 agency member.

38 (g) Nothing in this section shall be construed as extending the  
39 power of eminent domain to the Tule River Tribal Council or  
40 PAADA.

1 (h) This section shall remain in effect only until January 1, 2039,  
2 and as of that date is repealed, unless a later enacted statute, that  
3 is enacted before January 1, 2039, deletes or extends that date.

4 SEC. 2. The Legislature finds and declares that, because of the  
5 unique circumstances applicable only to the City of Porterville  
6 and the Tule River Tribal Council, a statute of general applicability  
7 cannot be enacted within the meaning of subdivision (b) of Section  
8 16 of Article IV of the California Constitution. Therefore, this  
9 special statute is necessary.