

AMENDED IN SENATE JUNE 2, 2010
AMENDED IN ASSEMBLY APRIL 22, 2010
AMENDED IN ASSEMBLY APRIL 19, 2010
CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2103

Introduced by Assembly Member Hill

February 18, 2010

An act to *amend Section 66704 of, and to add Section 66704.05 to, the Government Code, relating to the San Francisco Bay Restoration Authority.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2103, as amended, Hill. San Francisco Bay Restoration Authority.

Existing law authorizes the San Francisco Bay Restoration Authority to levy a benefit assessment, special tax, or property-related fee consistent with Articles XIII C and XIII D of the California Constitution, as specified.

This bill would require ~~(1) the board of supervisors of each affected county, when the authority proposes a regional measure to levy a benefit assessment, special tax, or property-related fee for submission to the voters, to call a special election on the regional measure and place the regional measure on the ballot of the next regularly scheduled election, (2) and would require the county clerk of each county to report the results of the special election to the authority, and (3) the authority to adopt and implement the regional measure if cumulatively, throughout the authority's jurisdictional boundaries, the regional measure receives the constitutionally required affirmative votes.~~

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 66704 of the Government Code is
2 amended to read:

3 66704. The authority has, and may exercise, all powers,
4 expressed or implied, that are necessary to carry out the intent and
5 purposes of this title, including, but not limited to, the power to
6 do all of the following:

7 (a) (1) Levy a benefit assessment, special tax *levied pursuant*
8 *to Article 3.5 (commencing with Section 50075) of Chapter 1 of*
9 *Part 1 of Division 1 of Title 5*, or property-related fee consistent
10 with the requirements of Articles XIII C and XIII D of the
11 California Constitution, including, but not limited to, a benefit
12 assessment levied pursuant to paragraph (2), except that a benefit
13 assessment, special tax, or property-related fee shall not be levied
14 pursuant to this subdivision after December 31, 2028.

15 (2) The authority may levy a benefit assessment pursuant to any
16 of the following:

17 (A) The Improvement Act of 1911 (Division 7 (commencing
18 with Section 5000) of the Streets and Highways Code).

19 (B) The Improvement Bond Act of 1915 (Division 10
20 (commencing with Section 8500) of the Streets and Highways
21 Code).

22 (C) The Municipal Improvement Act of 1913 (Division 12
23 (commencing with Section 10000) of the Streets and Highways
24 Code).

25 (D) The Landscaping and Lighting Assessment Act of 1972
26 (Part 2 (commencing with Section 22500) of Division 15 of the
27 Streets and Highways Code), notwithstanding Section 22501 of
28 the Streets and Highways Code.

29 (E) Any other statutory authorization.

30 (b) Apply for and receive grants from federal and state agencies.

31 (c) Solicit and accept gifts, fees, grants, and allocations from
32 public and private entities.

33 (d) Issue revenue bonds for any of the purposes authorized by
34 this title pursuant to the Revenue Bond Law of 1941 (Chapter 6

1 (commencing with Section 54300) of Part 1 of Division 2 of Title
2 5).

3 (e) Incur bond indebtedness, subject to the following
4 requirements:

5 (1) The principal and interest of any bond indebtedness incurred
6 pursuant to this subdivision shall be paid and discharged prior to
7 January 1, 2029.

8 (2) For purposes of incurring bond indebtedness pursuant to
9 this subdivision, the authority shall comply with the requirements
10 of Article 11 (commencing with Section 5790) of Chapter 4 of
11 Division 5 of the Public Resources Code except where those
12 requirements are in conflict with this provision. For purposes of
13 this subdivision, all references in Article 11 (commencing with
14 Section 5790) of Chapter 4 of Division 5 of the Public Resources
15 Code to a board of directors shall mean the board and all references
16 to a district shall mean the authority.

17 (3) The total amount of indebtedness incurred pursuant to this
18 subdivision outstanding at any one time shall not exceed 10 percent
19 of the authority's total revenues in the preceding fiscal year.

20 (f) Receive and manage a dedicated revenue source.

21 (g) Deposit or invest moneys of the authority in banks or
22 financial institutions in the state in accordance with state law.

23 (h) Sue and be sued, except as otherwise provided by law, in
24 all actions and proceedings, in all courts and tribunals of competent
25 jurisdiction.

26 (i) Engage counsel and other professional services.

27 (j) Enter into and perform all necessary contracts.

28 (k) Enter into joint powers agreements pursuant to the Joint
29 Exercise of Powers Act (Chapter 5 (commencing with Section
30 6500) of Division 7 of Title 1).

31 (l) Hire staff, define their qualifications and duties, and provide
32 a schedule of compensation for the performance of their duties.

33 (m) Use interim or temporary staff provided by appropriate state
34 agencies or the Association of Bay Area Governments. A person
35 who performs duties as interim or temporary staff shall not be
36 considered an employee of the authority.

37 **SECTION 1.**

38 *SEC. 2.* Section 66704.05 is added to the Government Code,
39 to read:

1 66704.05. (a) ~~Notwithstanding any other provision of law,~~
 2 ~~when~~ When the authority proposes ~~any regional measure to levy~~
 3 ~~a special tax~~ pursuant to subdivision (a) of Section 66704 ~~for~~
 4 ~~submission to the voters of one or more counties within the San~~
 5 ~~Francisco Bay area, including, but not limited to, the City and~~
 6 ~~County of San Francisco, the board of supervisors of each of those~~
 7 ~~counties, the board of supervisors of the county or counties in~~
 8 ~~which the special tax is proposed to be levied~~ shall call a special
 9 election on the ~~regional~~ measure. The special election shall be
 10 consolidated with the next regularly scheduled statewide election
 11 and the ~~regional~~ measure shall be submitted to the voters in the
 12 appropriate counties, consistent with the requirements of Article
 13 XIII C or XIII D of the California Constitution, as applicable.

14 (b) Each county included in the measure shall ~~utilize~~ use the
 15 ballot question, title and summary, and ballot language provided
 16 in the resolution of the authority.

17 (c) The county clerk of each county shall report the results of
 18 the special election to the authority.

19 (d) ~~If cumulatively, throughout the authority's jurisdictional~~
 20 ~~boundaries, the regional measure receives the required affirmative~~
 21 ~~votes as prescribed by Article XIII C or XIII D of the California~~
 22 ~~Constitution, as applicable, the authority shall adopt and implement~~
 23 ~~the regional measure.~~