

Assembly Bill No. 307

CHAPTER 266

An act to amend Sections 6500 and 65101.1 of, to add Section 6529.5 to, and to repeal Section 6530 of, the Government Code, relating to joint powers agreements.

[Approved by Governor September 6, 2011. Filed with Secretary of State September 6, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 307, Nestande. Joint powers agreements: public agency: federally recognized Indian tribe.

Existing law authorizes 2 or more public agencies, as defined, to enter into an agreement to exercise common powers. Existing law also permits certain federally recognized Indian tribes to enter into joint powers agreements with particular parties and for limited purposes.

This bill would include a federally recognized Indian tribe as a public agency that may enter into a joint powers agreement. This bill would also make conforming changes by conforming related code sections.

This bill would also prohibit any joint powers authority that includes a federally recognized Indian tribe from authorizing or issuing bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985 unless the public improvements to be funded by the bonds will be owned and maintained by the authority or one or more of its public agency members, and the revenue streams pledged to repay the bonds derive from the authority, one or more of its public agency members, or any governmental or public fund or account, as defined, the proceeds of which may be used for that purpose.

This bill would state that this bill does not affect, modify, or repeal any existing joint powers authority formed prior to this bill, including a joint powers authority that includes a federally recognized Indian tribe as a party or cooperating agency. This bill would state that this bill continues any authority granted by any prior law for a federally recognized Indian tribe to enter into a joint powers agreement.

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

SECTION 1. Section 6500 of the Government Code is amended to read: 6500. As used in this article, "public agency" includes, but is not limited to, the federal government or any federal department or agency, this state, another state or any state department or agency, a county, county board of education, county superintendent of schools, city, public corporation, public district, regional transportation commission of this state or another state, a

federally recognized Indian tribe, or any joint powers authority formed pursuant to this article by any of these agencies.

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

6529.5. (a) Any joint powers authority that includes a federally recognized Indian tribe shall not have the authority to authorize or issue bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584)) unless the public improvements to be funded by the bonds will be owned and maintained by the authority or one or more of its public agency members, and the revenue streams pledged to repay the bonds derive from the authority, one or more of its public agency members, or any governmental or public fund or account the proceeds of which may be used for that purpose.

(b) As used in this section, “governmental or public fund or account” includes, but is not limited to, any fund or account that is funded by moneys or revenue streams derived from, held by, belonging to, due to, or otherwise held for the benefit of, one or more public agency members, but shall not include any fund or account that is funded by any grants distributed pursuant to Chapter 7.5 (commencing with Section 12710) of Part 2 of Division 3 of Title 2.

SEC. 3. Section 6530 of the Government Code is repealed.

SEC. 4. Section 65101.1 of the Government Code is amended to read:

65101.1. The Hoopa Valley Business Council, as the governing body of the Hoopa Valley Indian Tribe, may participate as a legislative body, pursuant to subdivision (b) of Section 65101 on the Humboldt County Association of Governments and shall be deemed to be a public agency, pursuant to Section 6500, for purposes of Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1. The Legislature finds and declares that the unique circumstances of Humboldt County necessitate this special law.

SEC. 5. Nothing in this act shall be construed to affect, modify, or repeal any existing joint powers authority formed prior to the effective date of this act, including a joint powers authority that includes a federally recognized Indian tribe as a party or cooperating agency. This act continues any authority granted by any prior law for a federally recognized Indian tribe to enter into a joint powers agreement.