

AMENDED IN SENATE SEPTEMBER 1, 2011

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY APRIL 14, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1275

Introduced by Assembly Member Torres

February 18, 2011

An act to amend Sections 33121.5 and 33125 of, and to add Section 33137 to, the Health and Safety Code, relating to redevelopment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1275, as amended, Torres. Redevelopment: agency contracts.

The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities in order to address the effects of blight, as defined, in those communities and requires those agencies to prepare, or cause to be prepared, and approve a redevelopment plan for each project area. Existing law authorizes each agency to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

This bill would provide that a ~~contract or other instrument~~ entered into by an agency *that is subject to validating proceedings*, or a particular severable provision of the ~~contract or other instrument~~, may be declared by a court to be null and void if the court determines that ~~the agency has performed specified actions~~ *contract or severable portion of the contract violates the law or public policy*. The bill would make other technical changes.

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 33121.5 of the Health and Safety Code
2 is amended to read:
3 33121.5. When a decision, determination, or other action by
4 the agency or legislative body is required by this part, neither the
5 agency nor the legislative body shall delegate the obligation to
6 decide, determine, or act to another person or entity unless a
7 provision of this part specifically provides for that delegation. *This*
8 *section shall not be deemed to prevent the delegation of ministerial*
9 *or administrative decisions to administrative officers or employees*
10 *if that delegation is subject to standards sufficient to ensure*
11 *consistency with the decision of the agency or legislative body.*

12 SEC. 2. Section 33125 of the Health and Safety Code is
13 amended to read:
14 33125. An agency may do *all of the following*:
15 (a) Sue and be sued.
16 (b) Have a seal.
17 (c) ~~Make and execute, execute, and amend~~ contracts and other
18 instruments, subject to the limitations and obligations imposed on
19 an agency by this part, as may be necessary or convenient to the
20 exercise of its powers.
21 ~~(d) Make and execute amendments to contracts and other~~
22 ~~instruments, subject to the limitations and obligations imposed on~~
23 ~~an agency by this part, as may be necessary or convenient to the~~
24 ~~exercise of its powers, including, but not limited to, amendments~~
25 ~~to conform a contract or other instrument to the redevelopment~~
26 ~~plan, an amended redevelopment plan, a current state law or local~~
27 ~~ordinance, or to comply with a court order issued pursuant to~~
28 ~~Section 33137.~~
29 (e)
30 (d) Make, amend, and repeal bylaws and regulations not
31 inconsistent with, and to carry into effect, the powers and purposes
32 of this part.

33 SEC. 3. Section 33137 is added to the Health and Safety Code,
34 to read:

1 33137. Notwithstanding Chapter 9 (commencing with Section
2 860) of Title 10 of Part 2 of the Code of Civil Procedure, a contract
3 ~~or instrument~~ entered into by an agency *that is subject to validating*
4 *proceedings pursuant to Section 53511 of the Government Code,*
5 *or a particular severable provision of that contract-or instrument,*
6 *may be declared by a court to be null and void if the-court*
7 *determines that the agency has done any of the following:*
8 (a) ~~Exercised the authority that is provided to the agency~~
9 ~~pursuant to this part in a manner that exceeded the agency's~~
10 ~~authority or constituted an abuse of discretion by the agency.~~
11 (b) ~~Entered into a contract or other instrument that, in whole or~~
12 ~~in part, violated any powers granted to the agency or obligations~~
13 ~~imposed on the agency by this part.~~
14 (c) ~~Assumed any other obligations that impair its ability to meet~~
15 ~~existing obligations under this part. court determines that the~~
16 ~~contract or severable provision of the contract violates the law or~~
17 ~~public policy.~~