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AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2144

**Introduced by Assembly Members John A. Pérez, Atkins, and
Dickinson
(Principal coauthor: Assembly Member Bonilla)**

February 23, 2012

An act to amend Sections 53395.1, 53395.2, 53395.3, 53395.4, 53395.5, 53395.10, 53395.14, 53395.15, 53395.19, 53395.23, 53395.24, 53397.6, and 53397.10 of, and to add Sections 53395.1.5, 53395.3.1, and 53395.26 to, the Government Code, and to amend Section 33459 of the Health and Safety Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2144, as amended, John A. Pérez. Local government: infrastructure and revitalization financing districts.

Existing law authorizes the creation of infrastructure financing districts, as defined, for the sole purpose of financing public facilities, subject to adoption of a resolution by the legislative body and affected taxing entities proposed to be subject to division of taxes and $\frac{2}{3}$ voter approval. Existing law authorizes the legislative body to, by majority vote, initiate proceedings to issue bonds for the financing of district

projects by adopting a resolution, subject to specified procedures and $\frac{2}{3}$ voter approval. Existing law requires an infrastructure financing plan to include the date on which an infrastructure financing district will cease to exist, which may not be more than 30 years from the date on which the ordinance forming the district is adopted. Existing law prohibits a district from including any portion of a redevelopment project area. Existing law, the Polanco Redevelopment Act, authorizes a redevelopment agency to take any action that the agency determines is necessary and consistent with state and federal laws to remedy or remove a release of hazardous substances on, under, or from property within a project area, whether the agency owns that property or not, subject to specified conditions. Existing law also declares the intent of the Legislature that the areas of the district created be substantially undeveloped, and that the establishment of a district should not ordinarily lead to the removal of dwelling units.

This bill would authorize the creation of an infrastructure and revitalization financing district and the issuance of debt with 55% voter approval. The bill would authorize the creation of a district for up to 40 years and the issuance of debt with a final maturity date of up to 30 years, as specified. The bill would delete the prohibition on a district including any portion of a redevelopment project area, as defined, and authorize a district to finance projects in redevelopment project areas and former redevelopment project areas and former military bases. The bill would authorize the legislative body of a city to dedicate any portion of its funds received from the Redevelopment Property Tax Fund to the district, if specified criteria are met. The bill would authorize a city to form a district to finance a project or projects on a former military base, if specified conditions are met. The bill would provide that the *formation of the district and the* issuance of debt by such a district on land of a former military base that is publicly owned is not subject to voter approval, as specified.

The bill would expand the projects that a district may fund to include watershed land used for the collection and treatment of water for urban uses, flood management, levees, bypasses, open space, habitat restoration, brownfields restoration, environmental mitigation, purchase of land and property for development purposes, including commercial property, hazardous cleanup, former military bases, and specified transportation purposes. The bill would authorize a district to implement hazardous cleanup pursuant to the Polanco Redevelopment Act, as specified. The bill would impose a specified reporting requirement on

districts. The bill would delete the statement of the intent of the Legislature that the area of the district be substantially undeveloped, and would instead state that it is the intent of the Legislature that the establishment of a district should not ordinarily lead to the removal of existing functional, habitable, and safe dwelling units, as specified. The bill would make a further statement of legislative intent and would change the name of an “infrastructure financing district” to “infrastructure and revitalization financing district.” *The bill would define the term “public works” for purposes of these provisions.*

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

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

1 SECTION 1. It is the intent of the Legislature to enact
2 legislation during the 2011–12 Regular Session that establishes
3 long-term, targeted programs that provide local governments with
4 tools and resources for specified purposes, including, but not
5 limited to, public infrastructure, affordable housing, economic
6 development and job creation, and environmental protection and
7 remediation, in a manner that encourages local cooperation and
8 includes appropriate protections for state and local taxpayers.

9 SEC. 2. Section 53395.1 of the Government Code is amended
10 to read:

11 53395.1. Unless the context otherwise requires, the definitions
12 contained in this article shall govern the construction of this
13 chapter.

14 (a) “Affected taxing entity” means any governmental taxing
15 agency that levied or had levied on its behalf a property tax on all
16 or a portion of the property located in the proposed district in the
17 fiscal year prior to the designation of the district, but not including
18 any county office of education, school district, or community
19 college district.

20 (b) “City” means a city, a county, or a city and county.

21 (c) “Debt” means any binding obligation to repay a sum of
22 money, including obligations in the form of bonds, certificates of
23 participation, long-term leases, loans from government agencies,
24 or loans from banks, other financial institutions, private businesses,
25 or individuals.

- 1 (d) “Designated official” means the city engineer or other
- 2 appropriate official designated pursuant to Section 53395.13.
- 3 (e) (1) “District” means an infrastructure and revitalization
- 4 financing district.
- 5 (2) An infrastructure and revitalization financing district is a
- 6 “district” within the meaning of Section 1 of Article XIII A of the
- 7 California Constitution.
- 8 (f) “Infrastructure and revitalization financing district” means
- 9 a legally constituted governmental entity established pursuant to
- 10 this chapter for the sole purpose of financing facilities authorized
- 11 by this chapter.
- 12 (g) “Landowner” or “owner of land” means any person shown
- 13 as the owner of land on the last equalized assessment roll or
- 14 otherwise known to be the owner of the land by the legislative
- 15 body. The legislative body has no obligation to obtain other
- 16 information as to the ownership of land, and its determination of
- 17 ownership shall be final and conclusive for the purposes of this
- 18 chapter. A public agency is not a landowner or owner of land for
- 19 purposes of this chapter, unless the public agency owns all of the
- 20 land to be included within the proposed district.
- 21 (h) “Legislative body” means the city council or board of
- 22 supervisors.
- 23 (i) “Project area” means a defined area within a district in which
- 24 the activities of the district share a common purpose or goal and
- 25 an overall financing plan.
- 26 (j) *“Public works” means public facilities or any other facilities*
- 27 *described in Section 53395.3 that are to be financed in whole or*
- 28 *in part by the district.*
- 29 (j)
- 30 (k) “Net available revenue” means periodic distributions to the
- 31 city from the Redevelopment Property Tax Trust Fund, created
- 32 pursuant to Section 34170.5 of the Health and Safety Code, that
- 33 are available to the city after all preexisting legal commitments
- 34 and statutory obligations funded from that revenue are made
- 35 pursuant to Part 1.85 (commencing with Section 34170) of Division
- 36 24 of the Health and Safety Code. Net available revenue shall only
- 37 include revenue remaining after all current distributions, including,
- 38 but not limited to, payment of enforceable obligations, all
- 39 distributions to other taxing entities, and applicable administrative
- 40 fees, have been made.

1 SEC. 3. Section 53395.1.5 is added to the Government Code,
2 to read:

3 53395.1.5. Notwithstanding any other law, any reference in
4 this title to an “infrastructure financing district” or “district” shall
5 instead be deemed to refer to an “infrastructure and revitalization
6 financing district.”

7 SEC. 4. Section 53395.2 of the Government Code is amended
8 to read:

9 53395.2. (a) The revenues available pursuant to Article 3
10 (commencing with Section 53396) may be used directly for work
11 allowed pursuant to Section 53395.3, may be accumulated for a
12 period not to exceed five years to provide a fund for that work,
13 may be pledged to pay the principal of, and interest on, bonds
14 issued pursuant to Article 4 (commencing with Section 53397),
15 or may be pledged to pay the principal of, and interest on, bonds
16 issued pursuant to the Improvement Bond Act of 1915 (Division
17 10 (commencing with Section 8500) of the Streets and Highways
18 Code) or the Mello-Roos Community Facilities Act of 1982
19 (Chapter 2.5 (commencing with Section 53311)), the proceeds of
20 which have been or will be used entirely for allowable purposes
21 of the district. The revenue of the district may also be advanced
22 for allowable purposes of the district to an Integrated Financing
23 District established pursuant to Chapter 1.5 (commencing with
24 Section 53175), in which case the district may be party to a
25 reimbursement agreement established pursuant to that chapter.
26 The revenues of the district may also be committed to paying for
27 any completed facility acquired pursuant to Section 53395.3 over
28 a period of time, including the payment of a rate of interest not to
29 exceed the bond buyer index rate on the day that the agreement to
30 repay is entered into by the city.

31 (b) The legislative body may enter into an agreement with any
32 affected taxing entity providing for the construction of, or
33 assistance in, financing facilities.

34 SEC. 5. Section 53395.3 of the Government Code is amended
35 to read:

36 53395.3. (a) A district may finance (1) the purchase,
37 construction, expansion, improvement, seismic retrofit, or
38 rehabilitation of any real or other tangible property with an
39 estimated useful life of 15 years or longer which satisfies the
40 requirements of subdivision (b), (2) may finance planning and

1 design work which is directly related to the purchase, construction,
2 expansion, improvement, rehabilitation, or seismic retrofit of that
3 property, and (3) the costs described in Sections 53395.5 and
4 53396.5. The facilities need not be physically located within the
5 boundaries of the district. A district may not finance routine
6 maintenance, repair work, or the costs of ongoing operation or
7 providing services of any kind.

8 (b) The district shall finance only facilities or projects of
9 communitywide significance, including, but not limited to, any of
10 the following:

11 (1) Highways, interchanges, ramps and bridges, arterial streets,
12 parking facilities, and transit facilities.

13 (2) Sewage treatment and water reclamation plants and
14 interceptor pipes.

15 (3) Facilities and watershed lands used for the collection and
16 treatment of water for urban uses.

17 (4) Flood management, including levees, bypasses, dams,
18 retention basins, and drainage channels.

19 (5) Child care facilities.

20 (6) Libraries.

21 (7) Parks, recreational facilities, open space, and habitat
22 restoration.

23 (8) Facilities for the transfer and disposal of solid waste,
24 including transfer stations and vehicles.

25 (9) Brownfields restoration and other environmental mitigation.

26 (10) Purchase of land and property for development purposes
27 and related site improvements.

28 (11) Acquisition, construction, or repair of housing for rental
29 or purchase, including multipurpose facilities.

30 (12) Acquisition, construction, or repair of commercial or
31 industrial structures for private use.

32 (13) The repayment of the transfer of funds to a military base
33 reuse authority pursuant to Section 67851.

34 (c) Any district that constructs dwelling units shall set aside not
35 less than 20 percent of those units to increase and improve the
36 community's supply of low- and moderate-income housing
37 available at an affordable housing cost, as defined by Section
38 50052.5 of the Health and Safety Code, *or at an affordable rent,*
39 *as defined by Section 50053 of the Health and Safety Code,* to

1 persons and families of low and moderate income, as defined in
2 Section 50093 of the Health and Safety Code.

3 (d) A district may utilize any powers under the Polanco
4 Redevelopment Act (Article 12.5 (commencing with Section
5 33459) of Chapter 4 of Part 1 of Division 24 of the Health and
6 Safety Code), and finance any action necessary to implement that
7 act.

8 (e) A district may finance any project that implements a
9 sustainable communities strategy prepared pursuant to Section
10 65074.

11 SEC. 6. Section 53395.3.1 is added to the Government Code,
12 to read:

13 53395.3.1. (a) A city may form a district to finance a project
14 or projects on a former military base pursuant to the requirements
15 set forth in this chapter.

16 (b) A district formed under this section may finance a project
17 pursuant to Section 53395.3 or this section only if the project is
18 consistent with the authority reuse plan and is approved by the
19 military base reuse authority, if applicable.

20 (c) *Notwithstanding Sections 53395.20, 53395.21, 53395.22,*
21 *53395.23, and 53397.6, the following actions shall not be subject*
22 *to voter approval in the case of a district formed under this section:*

23 (1) *The formation of the district, provided that, at the time of*
24 *approval of the formation of the district, all of the land within the*
25 *proposed district is owned by one or more public entities, military*
26 *base reuse authorities, or entities controlled by governmental*
27 *agencies.*

28 ~~(e) Notwithstanding Section 53397.6,~~

29 (2) *The authorization to issue debt and the issuance of debt by*
30 *a district formed under this section to finance facilities described*
31 *in the infrastructure financing plan shall not be subject to voter*
32 *approval, provided that, at the time of approval of the formation*
33 *of the district, all of the land within the proposed district, or a*
34 *designated project area within the district on which the facilities*
35 *to be financed with the bonds will be located is owned by one or*
36 *more public entities, military base reuse authorities, or entities*
37 *controlled by governmental agencies. The bonds authorized by*
38 *this paragraph may be issued in one or more series upon the*
39 *adoption by the district of the resolution described in subdivision*
40 *(b) of Section 53397.6.*

1 SEC. 7. Section 53395.4 of the Government Code is amended
2 to read:

3 53395.4. (a) A district may finance only the facilities or
4 services authorized in this chapter. The additional facilities or
5 services may not supplant facilities or services already available
6 within that territory when the district was created, except if those
7 facilities or services are essentially nonfunctional, obsolete, ~~or~~
8 hazardous, *or in need of upgrading or rehabilitation*. The additional
9 facilities or services may supplement those facilities and services
10 as needed to serve new developments.

11 (b) A district may include areas that are not contiguous. A
12 district may be divided into project areas, each of which may be
13 subject to distinct limitations established under this chapter. The
14 legislative body may, at any time, add territory to a district or
15 amend the infrastructure financing plan for the district by
16 conducting the same procedures for the formation of a district or
17 approval of bonds, if applicable, as provided pursuant to this
18 chapter.

19 (c) Any district may finance any project or portion of a project
20 that is located in, or overlaps with, any redevelopment project area
21 or former redevelopment project area or former military base.

22 (d) Notwithstanding subdivision (c), any debt or obligation of
23 a district shall be subordinate to an enforceable obligation of a
24 former redevelopment agency, as defined in Section 34171 of the
25 Health and Safety Code.

26 (e) The legislative body of the city forming the district may
27 choose to dedicate any portion of its net available revenue to the
28 district through the financing plan described in Section 53395.14.

29 SEC. 8. Section 53395.5 of the Government Code is amended
30 to read:

31 53395.5. It is the intent of the Legislature that the establishment
32 of a district should not ordinarily lead to the removal of existing
33 functional, habitable, and safe dwelling units. If, however, any
34 dwelling units are proposed to be removed or destroyed in the
35 course of private development or facilities construction within the
36 area of the district, the legislative body shall do all of the following:

37 (a) Within four years of the removal or destruction, cause or
38 require the construction or rehabilitation, for rental or sale to
39 persons or families of low or moderate income, of an equal number
40 of replacement dwelling units at affordable housing cost, as defined

1 in Section 50052.5 of the Health and Safety Code, or affordable
2 rent, as defined in Section 50053 of the Health and Safety Code,
3 within the territory of the district if the dwelling units removed
4 were inhabited by persons or families of low or moderate income,
5 as defined in Section 50093 of the Health and Safety Code.

6 (b) Within four years of the removal or destruction, cause or
7 require the construction or rehabilitation, for rental or sale to
8 persons of low or moderate income, a number of dwelling units
9 which is at least one unit but not less than 20 percent of the total
10 dwelling units removed at affordable housing cost, as defined in
11 Section 50052.5 of the Health and Safety Code, or affordable rent,
12 as defined in Section 50053 of the Health and Safety Code, within
13 the territory of the district if the dwelling units removed or
14 destroyed were not inhabited by persons of low or moderate
15 income, as defined in Section 50093 of the Health and Safety Code.

16 (c) *In the case of dwelling units located on a former military*
17 *base that are destroyed or removed in connection with a base reuse*
18 *plan, replacement dwelling units required by subdivision (a) or*
19 *(b) may be located anywhere within the territory of the former*
20 *military base consistent with the base reuse plan, local general*
21 *plan, and infrastructure financing plan, as applicable.*

22 ~~(e)~~

23 (d) Provide relocation assistance and make all the payments
24 required by Chapter 16 (commencing with Section 7260) of
25 Division 7 of Title 1, to persons displaced by any public or private
26 development occurring within the territory of the district. This
27 displacement shall be deemed to be the result of public action.

28 ~~(e)~~

29 (e) Ensure that removal or destruction of any dwelling units
30 occupied by persons or families of low or moderate income not
31 take place unless and until there are suitable housing units, at
32 comparable cost to the units from which the persons or families
33 were displaced, available and ready for occupancy by the residents
34 of the units at the time of their displacement. The housing units
35 shall be suitable to the needs of these displaced persons or families
36 and shall be decent, safe, sanitary, and otherwise standard
37 dwellings.

38 SEC. 9. Section 53395.10 of the Government Code is amended
39 to read:

1 53395.10. A legislative body of a city may designate one or
2 more proposed infrastructure financing districts pursuant to this
3 chapter. Proceedings for the establishment of a district shall be
4 instituted by the adoption of a resolution of intention to establish
5 the proposed district and shall do all of the following:

6 (a) State that an infrastructure financing district is proposed to
7 be established under the terms of this chapter and describe the
8 boundaries of the proposed district *and any project area proposed*
9 *within the district*, which may be accomplished by reference to a
10 map on file in the office of the clerk of the city.

11 (b) State the type of facilities proposed to be financed by the
12 district. The district may only finance facilities authorized by
13 Section 53395.3.

14 (c) State that incremental property tax revenue from the city
15 and some or all affected taxing entities within the district may be
16 used to finance these facilities.

17 (d) State that net available revenue from the city may be used
18 to finance these facilities and state the maximum portion of the
19 net available revenue to be committed to the district for each year
20 during which the district will receive these revenues.

21 (e) Fix a time and place for a public hearing on the proposal.

22 SEC. 10. Section 53395.14 of the Government Code is amended
23 to read:

24 53395.14. After receipt of a copy of the resolution of intention
25 to establish a district, the official designated pursuant to Section
26 53395.13 shall prepare a proposed infrastructure financing plan.
27 The infrastructure financing plan shall be consistent with the
28 general plan of the city within which the district is located and
29 shall include all of the following:

30 (a) A map and legal description of the proposed district, which
31 may include all or a portion of the district designated by the
32 legislative body in its resolution of intention.

33 (b) A description of the facilities required to serve the
34 development proposed in the area of the district including those
35 to be provided by the private sector, those to be provided by
36 governmental entities without assistance under this chapter, those
37 improvements and facilities to be financed with assistance from
38 the proposed district, and those to be provided jointly. The
39 description shall include the proposed location, timing, and costs
40 of the improvements and facilities.

1 (c) A finding that the facilities are of communitywide
2 significance and provide significant benefits to an area larger than
3 the area of the district.

4 (d) A financing section, which shall contain all of the following
5 information:

6 (1) A specification of the maximum portion of the incremental
7 tax revenue of the city and of each affected taxing entity proposed
8 to be committed to the district for each year during which the
9 district will receive incremental tax revenue. The portion need not
10 be the same for all affected taxing entities. The portion may change
11 over time.

12 (2) A projection of the amount of tax revenues expected to be
13 received by the district in each year during which the district will
14 receive tax revenues, including an estimate of the amount of tax
15 revenues attributable to each affected taxing entity *proposed to be*
16 *committed to the district* for each year. If applicable, the plan shall
17 also include a specification of the maximum portion of the net
18 available revenue of the city proposed to be committed to the
19 district for each year during which the district will receive revenue.
20 The portion may vary over time.

21 (3) A plan for financing the ~~public~~ facilities to be assisted by
22 the district, including a detailed description of any intention to
23 incur debt.

24 (4) A limit on the total number of dollars of taxes that may be
25 allocated to the district pursuant to the plan.

26 (5) A date on which the district shall cease to exist, by which
27 time all tax allocation, including any allocation of net available
28 revenue, to the district will end. The date shall not be more than
29 40 years from the date on which the ordinance forming the district
30 is adopted pursuant to Section 53395.23, or a later date, if specified
31 by the ordinance, on which the allocation of tax increment will
32 begin. The district may issue debt with a final maturity date of up
33 to 30 years from the date of issuance of each debt issue, subject
34 to the time limit on tax allocation to the district.

35 (6) An analysis of the costs to the city of providing facilities
36 and services to the area of the district while the area is being
37 developed and after the area is developed. The plan shall also
38 include an analysis of the tax, fee, charge, and other revenues
39 expected to be received by the city as a result of expected
40 development in the area of the district.

1 (7) An analysis of the projected fiscal impact of the district and
2 the associated development upon each affected taxing entity *that*
3 *is proposed to participate in financing the district.*

4 (8) A plan for financing any potential costs that may be incurred
5 by reimbursing a developer of a project that is both located entirely
6 within the boundaries of that district and qualifies for the Transit
7 Priority Project Program, pursuant to Section 65470, including
8 any permit and affordable housing expenses related to the project.

9 (e) If any dwelling units occupied by persons or families of low
10 or moderate income are proposed to be removed or destroyed in
11 the course of private development or facilities construction within
12 the area of the district, a plan providing for replacement of those
13 units and relocation of those persons or families consistent with
14 the requirements of Section 53395.5.

15 SEC. 11. Section 53395.15 of the Government Code is amended
16 to read:

17 53395.15. The infrastructure financing plan shall be sent to
18 each owner of land within the proposed district and to each affected
19 taxing entity together with any report required by the California
20 Environmental Quality Act (Division 13 (commencing with Section
21 21000) of the Public Resources Code) that pertains to the proposed
22 facilities or the proposed development project for which the
23 facilities are needed, and shall be made available for public
24 inspection. The report shall also be sent to the planning commission
25 and the legislative body.

26 SEC. 12. Section 53395.19 of the Government Code is amended
27 to read:

28 53395.19. (a) The legislative body shall not enact a resolution
29 proposing formation of a district and providing for the division of
30 taxes of any affected taxing entity pursuant to Article 3
31 (commencing with Section 53396) unless a resolution approving
32 the plan has been adopted by the governing body of each affected
33 taxing entity which is proposed to be subject to division of taxes
34 pursuant to Article 3 (commencing with Section 53396) has been
35 filed with the legislative body at or prior to the time of the hearing.

36 (b) In the case of an affected taxing entity that is a special district
37 that provides fire protection services and where the county board
38 of supervisors is the governing authority or has appointed itself as
39 the governing board of the district, the plan shall be adopted by a

1 separate resolution approved by the district’s governing authority
2 or governing board.

3 (c) Nothing in this section shall be construed to prevent the
4 legislative body from amending its infrastructure financing plan
5 and adopting a resolution proposing formation of the infrastructure
6 financing district without allocation of the tax revenues of any
7 affected taxing entity which has not approved the infrastructure
8 financing plan by resolution of the governing body of the affected
9 taxing entity.

10 SEC. 13. Section 53395.23 of the Government Code is amended
11 to read:

12 53395.23. After the canvass of returns of any election pursuant
13 to Section 53395.20, the legislative body may, by ordinance, adopt
14 the infrastructure financing plan and create the district with full
15 force and effect of law, if 55 percent of the votes upon the question
16 of creating the district are in favor of creating the district.

17 SEC. 14. Section 53395.24 of the Government Code is amended
18 to read:

19 53395.24. After the canvass of returns of any election
20 conducted pursuant to Section 53395.20, the legislative body shall
21 take no further action with respect to the proposed infrastructure
22 financing district for one year from the date of the election if the
23 question of creating the district fails to receive approval of 55
24 percent of the votes cast upon the question.

25 SEC. 15. Section 53395.26 is added to the Government Code,
26 to read:

27 53395.26. No later than June 30 of each year after the adoption
28 of an infrastructure financing plan, the legislative body shall post
29 an annual report in an easily identifiable and accessible location
30 on the legislative body’s Internet Web site. The annual report shall
31 contain all of the following:

32 (a) A summary of the district’s expenditures.

33 (b) A description of the progress made toward the district’s
34 adopted goals.

35 (c) An assessment of the status regarding completion of the
36 district’s projects.

37 SEC. 16. Section 53397.6 of the Government Code is amended
38 to read:

1 53397.6. (a) Except as provided in Section 53395.3.1, bonds
 2 may be issued if 55 percent of the voters voting on the proposition
 3 vote in favor of authorizing the issuance of the bonds.

4 (b) If the voters authorize the issuance of the bonds as provided
 5 by subdivision (a), the legislative body may subsequently proceed
 6 with the issuance of the bonds by adopting a resolution which shall
 7 provide for all of the following:

- 8 (1) The issuance of the bonds in one or more series.
- 9 (2) The principal amount of the bonds, which shall be consistent
 10 with the amount specified in subdivision (b) of Section 53397.2.
- 11 (3) The date the bonds will bear.
- 12 (4) The date of maturity of the bonds.
- 13 (5) The denomination of the bonds.
- 14 (6) The form of the bonds.
- 15 (7) The manner of execution of the bonds.
- 16 (8) The medium of payment in which the bonds are payable.
- 17 (9) The place or manner of payment and any requirements for
 18 registration of the bonds.
- 19 (10) The terms of call or redemption, with or without premium.

20 SEC. 17. Section 53397.10 of the Government Code is amended
 21 to read:

22 53397.10. (a) The bonds may be sold at discount not to exceed
 23 5 percent of par at a negotiated or public sale. At least five days
 24 prior to a public sale, notice shall be published, pursuant to Section
 25 6061, in a newspaper of general circulation and in a financial
 26 newspaper published in the City and County of San Francisco and
 27 in the City of Los Angeles. The bonds may be sold at not less than
 28 par to the federal government at private sale without any public
 29 advertisement.

30 ~~(b) Notwithstanding any other law, a negotiated sale for bond~~
 31 ~~issuances of an infrastructure and revitalization financing district~~
 32 ~~that exceeds five million dollars (\$5,000,000) shall be contracted~~
 33 ~~for and let to the lowest responsible bidder.~~

34 *(b) Any negotiated sale of bonds pursuant to this section shall*
 35 *be limited to bond issuances of an infrastructure and revitalization*
 36 *financing district that do not exceed five million dollars*
 37 *(\$5,000,000).*

38 SEC. 18. Section 33459 of the Health and Safety Code is
 39 amended to read:

1 33459. For purposes of this article, the following terms shall
2 have the following meanings:

3 (a) “Department” means the Department of Toxic Substances
4 Control.

5 (b) “Director” means the Director of Toxic Substances Control.

6 (c) “Hazardous substance” means any hazardous substance as
7 defined in subdivision (h) of Section 25281, and any reference to
8 hazardous substance in the definitions referenced in this section
9 shall be deemed to refer to hazardous substance, as defined in this
10 subdivision.

11 (d) “Local agency” means a single local agency that is one of
12 the following:

13 (1) A local agency authorized pursuant to Section 25283 to
14 implement Chapter 6.7 (commencing with Section 25280) of, and
15 Chapter 6.75 (commencing with Section 25299.10) of, Division
16 20.

17 (2) A local officer who is authorized pursuant to Section 101087
18 to supervise a remedial action.

19 (3) An infrastructure and revitalization financing district.

20 (e) “Qualified independent contractor” means an independent
21 contractor who is any of the following:

22 (1) An engineering geologist who is certified pursuant to Section
23 7842 of the Business and Professions Code.

24 (2) A geologist who is registered pursuant to Section 7850 of
25 the Business and Professions Code.

26 (3) A civil engineer who is registered pursuant to Section 6762
27 of the Business and Professions Code.

28 (f) “Release” means any release, as defined in Section 25320.

29 (g) “Remedy” or “remove” means any action to assess, evaluate,
30 investigate, monitor, remove, correct, clean up, or abate a release
31 of a hazardous substance or to develop plans for those actions.
32 “Remedy” includes any action set forth in Section 25322 and
33 “remove” includes any action set forth in Section 25323.

34 (h) “Responsible party” means any person described in
35 subdivision (a) of Section 25323.5 of this code or subdivision (a)
36 of Section 13304 of the Water Code.

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