

AMENDED IN ASSEMBLY AUGUST 22, 2014

AMENDED IN ASSEMBLY AUGUST 26, 2013

AMENDED IN SENATE MARCH 6, 2013

**SENATE BILL**

**No. 33**

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**Introduced by Senator Wolk**

(Coauthors: Assembly Members Frazier and V. Manuel Pérez)

(Principal coauthor: Assembly Member Chesbro)

December 3, 2012

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An act to amend Sections 53395, 53395.1, 53395.2, 53395.3, 53395.4, 53395.5, 53395.6, 53395.7, 53395.10, 53395.11, 53395.12, 53395.13, 53395.14, 53395.16, 53395.17, 53395.19, 53395.20, 53396, 53397.1, and 53397.2 of, to repeal Sections 53395.22, 53395.23, 53395.24, 53395.25, 53397.5, 53397.6, and 53397.7 of, and to repeal and add Section 53395.21 of, the Government Code, relating to infrastructure financing districts. *An act to add and repeal Chapter 4.1 (commencing with Section 7300) of Part 1.7 of Division 2 of the Revenue and Taxation Code, relating to local taxation.*

LEGISLATIVE COUNSEL'S DIGEST

SB 33, as amended, Wolk. ~~Infrastructure financing districts: voter approval: repeal. Local taxation: County of Sonoma: transactions and use tax.~~

*Existing law authorizes various local government entities, subject to certain limitations and approval requirements, to levy a transactions and use tax for specific purposes in accordance with the procedures and requirements set forth in the Transactions and Use Tax Law, which conforms to the Sales and Use Tax Law, including the requirement that*

*the combined rate of all taxes that may be imposed under that law in the county not exceed 2%.*

*This bill would authorize the County of Sonoma or any city within the county to impose a transactions and use tax for general purposes, and the county, any city within the county, or the Sonoma County Transportation Authority to impose a transactions and use tax for a specific purpose or purposes, which may include the support of transportation and road maintenance programs and library services, that would, in combination with other specified taxes, exceed the combined rate limit by 0.5%, if certain requirements are met.*

*These provisions would be repealed by their own terms on January 1, 2022, if the ordinance is not approved, as specified.*

*This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Sonoma.*

~~(1) Existing law authorizes a legislative body, as defined, to create an infrastructure financing district, adopt an infrastructure financing plan, and issue bonds, for which only the district is liable, to finance specified public facilities, upon voter approval. Existing law authorizes an infrastructure financing district to fund infrastructure projects through tax increment financing, pursuant to the infrastructure financing plan and agreement of affected taxing entities, as defined.~~

~~This bill would revise and recast the provisions governing infrastructure financing districts. The bill would eliminate the requirement of voter approval for creation of the district and for bond issuance, and would authorize the legislative body to create the district subject to specified procedures. The bill would instead authorize a newly created public financing authority, consisting of 5 members, 3 of whom are members of the city council or board of supervisors that established the district, and 2 of whom are members of the public, to adopt the infrastructure financing plan, subject to approval by the legislative body, and issue bonds by majority vote of the authority by resolution. The bill would authorize a public financing authority to enter into joint powers agreements with affected taxing entities with regard to nontaxing authority or powers only. The bill would authorize a district to finance specified actions and projects, and prohibit the district from providing financial assistance to a vehicle dealer or big box retailer, as defined. The bill would prohibit a district from financing any project or portion of a project within the boundaries of a former redevelopment agency until the successor agency to the former redevelopment agency has received a finding of completion. The bill would create a public~~

~~accountability committee, as specified, to review the actions of the public financing authority.~~

~~(2) Existing law requires that an infrastructure financing plan created by a legislative body include a date on which the district will cease to exist, which shall not be more than 30 years from the date on which the ordinance forming the district is adopted.~~

~~This bill instead would specify that the date on which the district would cease to exist would not be more than 40 years from the date on which the public financing authority adopted the resolution adopting the infrastructure financing plan. The bill would also impose additional reporting requirements after the adoption of an infrastructure financing plan.~~

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

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

1     SECTION 1. Chapter 4.1 (commencing with Section 7300) is  
2     added to Part 1.7 of Division 2 of the Revenue and Taxation Code,  
3     to read:

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5     CHAPTER 4.1. SONOMA COUNTY TRANSACTIONS AND USE TAXES

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7     7300. Notwithstanding any other law, the County of Sonoma  
8     or any city within the county may impose a transactions and use  
9     tax for general purposes, and the county, any city within the county,  
10    or the Sonoma County Transportation Authority may impose a  
11    transactions and use tax for a specific purpose or purposes,  
12    including, but not limited to, the support of transportation and  
13    road maintenance programs and library services, that would, in  
14    combination with all taxes imposed in accordance with Part 1.6  
15    (commencing with Section 7251), exceed the limit established in  
16    Section 7251.1 by up to 0.5 percent, if all of the following  
17    requirements are met:

18    (a) The County of Sonoma, a city within the county, or the  
19    Sonoma County Transportation Authority adopts an ordinance  
20    proposing the transactions and use tax by any applicable voting  
21    approval requirement.

22    (b) The ordinance proposing the transactions and use tax is  
23    approved by the voters voting on the ordinance in accordance with

1 *Article XIII C of the California Constitution. The election on the*  
2 *ordinance proposing the transactions and use tax may occur on*  
3 *or after November 4, 2014.*

4 *(c) The transactions and use tax conforms to the Transactions*  
5 *and Use Tax Law (Part 1.6 (commencing with Section 7251)),*  
6 *other than Section 7251.1.*

7 *7301. If, as of January 1, 2022, an ordinance proposing a*  
8 *transactions and use tax has not been approved as required by*  
9 *subdivision (b) of Section 7300, this chapter shall be repealed as*  
10 *of that same date.*

11 *SEC. 2. The Legislature finds and declares that a special law*  
12 *is necessary and that a general law cannot be made applicable*  
13 *within the meaning of Section 16 of Article IV of the California*  
14 *Constitution because of the unique fiscal pressures being*  
15 *experienced in the County of Sonoma in providing essential*  
16 *programs and services.*

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**All matter omitted in this version of the bill  
appears in the bill as amended in the  
Assembly, August 26, 2013. (JR11)**