

Introduced by Senator WrightFebruary 21, 2013

An act to add Part 4 (commencing with Section 52200) to Division 1 of Title 5 of the Government Code, relating to community development.

LEGISLATIVE COUNSEL'S DIGEST

SB 470, as introduced, Wright. Community development: economic opportunity.

Existing law generally regulates the power of cities, counties, and cities and counties.

This bill would state the intent of the Legislature to promote economic development on a local level so that communities can enact local strategies to increase jobs, create economic opportunity, and generate tax revenue for all levels of government. The bill would define economic opportunity and declare that it is the policy of the state to protect and promote the sound development of economic opportunity in cities and counties, and the general welfare of the inhabitants of those communities through the employment of all appropriate means.

The bill would state that the creation of economic opportunity and the provisions for appropriate continuing land use and construction policies with respect to property acquired, in whole or in part, for economic opportunity constitute public uses and purposes for which public money may be advanced or expended and private property acquired. The bill would provide that before any city or county property acquired in whole or in part, directly or indirectly, for economic opportunity purposes is sold or leased for development, the sale or lease shall first be approved by the legislative body, as specified. The bill would authorize a city, county, or city and county to establish a program

under which it loans funds to owners or tenants for the purpose of rehabilitating commercial buildings or structures and to assist with the financing of facilities or capital equipment as part of an agreement that provides for the development or rehabilitation of property that will be used for industrial or manufacturing purposes, as specified.

This bill would authorize a city, county, or city and county to exercise authority to remedy or remove the release of hazardous substances within its boundaries consistent with state and federal laws, as specified. This bill would require a city, county, or city and county to request cleanup guidelines from the Department of Toxic Substances Control or a California regional water quality control board before taking an action under this authority, and limit the liability of a city, county, or city and county for taking an action under these provisions.

The bill would also authorize a city, county, or city and county to enter into a voluntary agreement with another city, county, or city and county, or a local taxing entity or joint powers authority, to jointly finance an economic opportunity project.

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. Part 4 (commencing with Section 52200) is added
2 to Division 1 of Title 5 of the Government Code, to read:

3

4 PART 4. ECONOMIC OPPORTUNITY

5

6 CHAPTER 1. GENERAL PROVISIONS

7

8 52200. (a) It is the intent of the Legislature to do all of the
9 following:

10 (1) Promote economic development on a local level so that
11 communities can enact local strategies to increase jobs, create
12 economic opportunity, and generate tax revenue for all levels of
13 government.

14 (2) Give local governments tools, at no cost to the state, that
15 allow local governments to use their funds in a manner that
16 promotes economic opportunity.

17 (3) With the loss of redevelopment funds, cities, counties, and
18 cities and counties need to continue certain powers afforded to

1 redevelopment agencies that were critical to economic
2 development, yet do not have an impact on schools and the state
3 budget.

4 (b) Economic opportunity means any of the following:

5 (1) Development agreements that create, retain, or expand new
6 jobs.

7 (2) Development agreements that increase property tax revenues
8 to all property tax-collecting entities.

9 (3) Creation of affordable housing.

10 (4) Projects that meet the goals set forth in Chapter 728 of the
11 Statutes of 2008.

12 (5) Transit-oriented development.

13 52200.1. It is declared to be the policy of the state:

14 (a) To protect and promote the sound development of economic
15 opportunity in cities and counties and the general welfare of the
16 inhabitants of those communities through the employment of all
17 appropriate means.

18 (b) That whenever the creation of economic opportunity in cities
19 and counties cannot be accomplished by private enterprise alone,
20 without public participation and assistance in the acquisition of
21 land, in planning and in the financing of land assembly, in the
22 work of clearance, and in the making of improvements necessary
23 therefor, it is in the public interest to advance or expend public
24 funds for these purposes, and to provide a means by which
25 economic opportunity can be created.

26 (c) That the creation of economic opportunity and the provisions
27 for appropriate continuing land use and construction policies with
28 respect to property acquired, in whole or in part, for economic
29 opportunity constitute public uses and purposes for which public
30 money may be advanced or expended and private property
31 acquired, and are governmental functions of state concern in the
32 interest of health, safety, and welfare of the people of the state and
33 cities and counties.

34 (d) That the necessity in the public interest for the provisions
35 of this part is declared to be a matter of legislative determination.

36 52200.2. This chapter shall not be interpreted to authorize the
37 use of eminent domain for economic development purposes.

CHAPTER 2. SALES AND LEASES

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52201. (a) (1) Before any city or county property acquired in whole or in part, directly or indirectly, for economic opportunity purposes is sold or leased for development, the sale or lease shall first be approved by the legislative body by resolution after public hearing. Notice of the time and place of the hearing shall be published in a newspaper of general circulation in the community at least once per week for at least two successive weeks, as specified in Section 6066, prior to the hearing.

(2) The city, county, or city and county shall make available, for public inspection and copying at a cost not to exceed the cost of duplication, a report no later than the time of publication of the first notice of the hearing mandated by this section. This report shall contain both of the following:

- (A) A copy of the proposed sale or lease.
- (B) A summary that describes and specifies all of the following:
 - (i) The cost of the agreement to the city, county, or city and county, including land acquisition costs, clearance costs, relocation costs, the costs of any improvements to be provided by the city, county, or city and county, plus the expected interest on any loans or bonds to finance the agreements.
 - (ii) The estimated value of the interest to be conveyed or leased, determined at the highest and best uses permitted under the general plan or zoning.
 - (iii) The estimated value of the interest to be conveyed or leased, determined at the use and with the conditions, covenants, and development costs required by the sale or lease. The purchase price or present value of the lease payments which the lessor will be required to make during the term of the lease. If the sale price or total rental amount is less than the fair market value of the interest to be conveyed or leased, determined at the highest and best use, then the city, county, or city and county shall provide as part of the summary an explanation of the reasons for the difference.
 - (iv) An explanation of why the sale or lease of the property will assist in the creation of economic opportunity, with reference to all supporting facts and materials relied upon in making this explanation.

1 (v) The report shall be made available to the public no later than
2 the time of publication of the first notice of the hearing mandated
3 by this section.

4 (b) The resolution approving the lease or sale shall be adopted
5 by a majority vote unless the legislative body has provided by
6 ordinance for a two-thirds vote for that purpose and shall contain
7 a finding that the sale or lease of the property will assist in the
8 creation of economic opportunity. The resolution shall also contain
9 one of the following findings:

10 (1) The consideration is not less than the fair market value at
11 its highest and best use.

12 (2) The consideration is not less than the fair reuse value at the
13 use and with the covenants and conditions and development costs
14 authorized by the sale or lease.

15 52202. A city, county, or city and county may establish a
16 program under which it loans funds to owners or tenants for the
17 purpose of rehabilitating commercial buildings or structures.

18 52203. (a) As part of an agreement that provides for the
19 development or rehabilitation of property that will be used for
20 industrial or manufacturing purposes, a city, county, or city and
21 county may assist with the financing of facilities or capital
22 equipment, including, but not necessarily limited to, pollution
23 control devices.

24 (b) Prior to entering into an agreement for a development that
25 will be assisted pursuant to this section, a city, county, or city and
26 county shall find, after a public hearing, that the assistance is
27 necessary for the economic feasibility of the development and that
28 the assistance cannot be obtained on economically feasible terms
29 in the private market.

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31 CHAPTER 3. OTHER PROCEDURES AND ACTIVITIES

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33 52205. For purposes of this chapter, the following terms shall
34 have the following meanings:

35 (a) "Department" means the Department of Toxic Substances
36 Control.

37 (b) "Director" means the Director of Toxic Substances Control.

38 (c) "Hazardous substance" means any hazardous substance as
39 defined in subdivision (h) of Section 25281, and any reference to
40 hazardous substance in the definitions referenced in this section

1 shall be deemed to refer to hazardous substance, as defined in this
2 subdivision.

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

5 (1) A local agency authorized pursuant to Section 25283 of the
6 Health and Safety Code to implement Chapter 6.7 (commencing
7 with Section 25280) of, and Chapter 6.75 (commencing with
8 Section 25299.10) of, Division 20 of the Health and Safety Code.

9 (2) A local officer who is authorized pursuant to Section 101087
10 of the Health and Safety Code to supervise a remedial action.

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

13 (1) An engineering geologist who is certified pursuant to Section
14 7842 of the Business and Professions Code.

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

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

19 (f) “Release” means any release, as defined in Section 25320
20 of the Health and Safety Code.

21 (g) “Remedy” or “remove” means any action to assess, evaluate,
22 investigate, monitor, remove, correct, clean up, or abate a release
23 of a hazardous substance or to develop plans for those actions.
24 “Remedy” includes any action set forth in Section 25322 of the
25 Health and Safety Code and “remove” includes any action set forth
26 in Section 25323 of the Health and Safety Code.

27 (h) “Responsible party” means any person described in
28 subdivision (a) of Section 25323.5 of the Health and Safety Code
29 or subdivision (a) of Section 13304 of the Water Code.

30 52206. (a) (1) A city, county, or city and county may take any
31 actions that the city, county, or city and county determines are
32 necessary and that are consistent with other state and federal laws
33 to remedy or remove a release of hazardous substances on, under,
34 or from property within its jurisdiction, whether the city, county,
35 or city and county owns that property or not, subject to the
36 conditions specified in subdivision (b). Unless an administering
37 agency has been designated under Section 25262 of the Health
38 and Safety Code, the city, county, or city and county shall request
39 cleanup guidelines from the department or the California regional
40 water quality control board before taking action to remedy or

1 remove a release. The department or the California regional water
2 quality control board shall respond to the city's, county's, or city
3 and county's request to provide cleanup guidelines within a
4 reasonable period of time. The city, county, or city and county
5 shall thereafter submit for approval a cleanup or remedial action
6 plan to the department or the California regional water quality
7 control board before taking action to remedy or remove a release.
8 The department or the California regional water quality control
9 board shall respond to the city's, county's, or city and county's
10 request for approval of a cleanup or remedial action plan within a
11 reasonable period of time.

12 (2) The city, county, or city and county shall provide the
13 department and local health and building departments, the
14 California regional water quality control board, with notification
15 of any cleanup activity pursuant to this section at least 30 days
16 before the commencement of the activity. If an action taken by a
17 city, county, or city and county or a responsible party to remedy
18 or remove a release of a hazardous substance does not meet, or is
19 not consistent with, a remedial action plan or cleanup plan
20 approved by the department or the California regional water quality
21 control board, the department or the California regional water
22 quality control board that approved the cleanup or remedial action
23 plan may require the city, county, or city and county to take, or
24 cause the taking of, additional action to remedy or remove the
25 release, as provided by applicable law. If an administering agency
26 for the site has been designated under Section 25262 of the Health
27 and Safety Code, any requirement for additional action may be
28 imposed only as provided in Sections 25263 and 25265 of the
29 Health and Safety Code. If methane or landfill gas is present, the
30 city, county, or city and county shall obtain written approval from
31 the California Integrated Waste Management Board prior to taking
32 that action.

33 (b) Except as provided in subdivision (c), a city, county, or city
34 and county may take the actions specified in subdivision (a) only
35 under one of the following conditions:

36 (1) There is no responsible party for the release identified by
37 the city, county, or city and county.

38 (2) A party determined by the city, county, or city and county
39 to be a responsible party for the release has been notified by the
40 city, county, or city and county or has received adequate notice

1 from the department, a California regional water quality control
2 board, the California Environmental Protection Agency, or other
3 governmental agency with relevant authority and has been given
4 60 days to respond and to propose a remedial action plan and
5 schedule, and the responsible party has not agreed within an
6 additional 60 days to implement a plan and schedule to remedy or
7 remove the release that is acceptable to the city, county, or city
8 and county and that has been found by the city, county, or city and
9 county to be consistent, to the maximum extent possible, with the
10 priorities, guidelines, criteria, and regulations contained in the
11 National Contingency Plan and published pursuant to Section 9605
12 of Title 42 of the United States Code for similar releases, situations,
13 or events.

14 (3) The party determined by the city, county, or city and county
15 to be the responsible party for the hazardous substance release
16 entered into an agreement with the city, county, or city and county
17 to prepare a remedial action plan for approval by the department,
18 the California regional water quality control board, or the
19 appropriate local agency and to implement the remedial action
20 plan in accordance with an agreed schedule, but failed to prepare
21 the remedial action plan, failed to implement the remedial action
22 plan in accordance with the agreed schedule, or otherwise failed
23 to carry out the remedial action in an appropriate and timely
24 manner. Any action taken by the city, county, or city and county
25 pursuant to this paragraph shall be consistent with any agreement
26 between the city, county, or city and county and the responsible
27 party and with the requirements of the state or local agency that
28 approved or will approve the remedial action plan and is overseeing
29 or will oversee the preparation and implementation of the remedial
30 action plan.

31 (c) Subdivision (b) does not apply to either of the following:

32 (1) A city, county, or city and county taking actions to
33 investigate or conduct feasibility studies concerning a release.

34 (2) A city, county, or city and county taking the actions specified
35 in subdivision (a) if the city, county, or city and county determines
36 that conditions require immediate action.

37 (d) A city, county, or city and county may designate a local
38 agency in lieu of the department or the California regional water
39 quality control board to review and approve a cleanup or remedial
40 action plan and to oversee the remediation or removal of hazardous

1 substances from a specific hazardous substance release site in
2 accordance with the following conditions:

3 (1) The local agency may be so designated if it is designated as
4 the administering agency under Section 25262 of the Health and
5 Safety Code. In that event, the local agency, as the administering
6 agency, shall conduct the oversight of the remedial action in
7 accordance with Chapter 6.65 (commencing with Section 25260)
8 of Division 20 of the Health and Safety Code and all provisions
9 of that chapter shall apply to the remedial action.

10 (2) The local agency may be so designated if cleanup guidelines
11 were requested from a California regional water quality control
12 board, and the site is an underground storage tank site subject to
13 Chapter 6.7 (commencing with Section 25280) of Division 20 of
14 the Health and Safety Code, the local agency has been certified as
15 a certified unified program agency pursuant to Section 25404.1 of
16 the Health and Safety Code, the State Water Resources Control
17 Board has entered into an agreement with the local agency for
18 oversight of those sites pursuant to Section 25297.1 of the Health
19 and Safety Code, the local agency determines that the site is within
20 the guidelines and protocols established in, and pursuant to, that
21 agreement, and the local agency consents to the designation.

22 (3) A local agency may not consent to the designation by a city,
23 county, or city and county unless the local agency determines that
24 it has adequate staff resources and the requisite technical expertise
25 and capabilities available to adequately supervise the remedial
26 action.

27 (4) (A) If a local agency has been designated pursuant to
28 paragraph (2), the department or a California regional water quality
29 control board may require that a local agency withdraw from the
30 designation, after providing the city, county, or city and county
31 with adequate notice, if both of the following conditions are met:

32 (i) The department or a California regional water quality control
33 board determines that a city's, county's, or city and county's
34 designation of a local agency was not consistent with paragraph
35 (2), or makes one of the findings specified in subdivision (d) of
36 Section 101480 of the Health and Safety Code.

37 (ii) The department or a California regional water quality control
38 board determines that it has adequate staff resources and
39 capabilities available to adequately supervise the remedial action,
40 and it assumes that responsibility.

1 (B) This paragraph shall not prevent a California regional water
2 quality control board from taking any action pursuant to Division
3 7 (commencing with Section 13000) of the Water Code.

4 (5) If a local agency has been designated pursuant to paragraph
5 (2), the local agency may, after providing the city, county, or city
6 and county with adequate notice, withdraw from its designation
7 after making one of the findings specified in subdivision (d) of
8 Section 101480 of the Health and Safety Code.

9 (e) To facilitate redevelopment planning, the city, county, or
10 city and county may require the owner or operator of any site
11 within a project area to provide the city, county, or city and county
12 with all existing environmental information pertaining to the site,
13 including the results of any phase I or subsequent environmental
14 assessment, as defined in Section 25200.14 of the Health and Safety
15 Code, any assessment conducted pursuant to an order from, or
16 agreement with, any federal, state or local agency, and any other
17 environmental assessment information, except that which is
18 determined to be privileged. The person requested to furnish the
19 information shall be required only to furnish that information as
20 may be within their possession or control, including actual
21 knowledge of information within the possession or control of any
22 other party. If environmental assessment information is not
23 available, the city, county, or city and county may require the
24 owner of the property to conduct an assessment in accordance with
25 standard real estate practices for conducting phase I or phase II
26 environmental assessments.

27 52207. (a) Notwithstanding any other law, a city, county, or
28 city and county that undertakes and completes an action, or causes
29 another person to undertake and complete an action pursuant to
30 Section 52206, as specified in subdivision (c), to remedy or remove
31 a hazardous substance release on, under, or from property within
32 its jurisdiction, in accordance with a cleanup or remedial action
33 plan prepared by a qualified independent contractor and approved
34 by the department or a California regional water quality control
35 board or the local agency, as appropriate, pursuant to subdivision
36 (b), is not liable, with respect to that release only, under Division
37 7 (commencing with Section 13000) of the Water Code or Chapter
38 6.5 (commencing with Section 25100), Chapter 6.7 (commencing
39 with Section 25280), Chapter 6.75 (commencing with Section
40 25299.10), or Chapter 6.8 (commencing with Section 25300), of

1 Division 20 of the Health and Safety Code, or any other state or
2 local law providing liability for remedial or removal actions for
3 releases of hazardous substances. If the remedial action was also
4 performed pursuant to Chapter 6.65 (commencing with Section
5 25260) of Division 20 of the Health and Safety Code, and a
6 certificate of completion is issued pursuant to subdivision (b) of
7 Section 25264 of the Health and Safety Code, the immunity from
8 agency action provided by the certificate of completion, as
9 specified in subdivision (c) of Section 25264 of the Health and
10 Safety Code, shall apply to the city, county, or city and county, in
11 addition to the immunity conferred by this section. In the case of
12 a remedial action performed pursuant to Chapter 6.65 (commencing
13 with Section 25260) of Division 20 of the Health and Safety Code,
14 and for which the administering agency is a local agency, the
15 limitations on the certificate of completion set forth in paragraphs
16 (1) to (6), inclusive, of subdivision (c) of Section 25264 of the
17 Health and Safety Code are limits on any immunity provided for
18 by this section and subdivision (c) of Section 25264 of the Health
19 and Safety Code.

20 (b) Upon approval of any cleanup or remedial action plan,
21 pursuant to applicable statutes and regulations, the director or the
22 California regional water quality control board or the local agency,
23 as appropriate, shall acknowledge, in writing, within 60 days of
24 the date of approval, that upon proper completion of the remedial
25 or removal action in accordance with the plan, the immunity
26 provided by this section shall apply to the city, county, or city and
27 county.

28 (c) Notwithstanding any other law or policy providing for
29 certification by a person conducting a remedial or removal action
30 that the action has been properly completed, a determination that
31 a remedial or removal action has been properly completed pursuant
32 to this section shall be made only upon the affirmative approval
33 of the director or the California regional water quality control
34 board or the local agency, as appropriate. The department,
35 California regional water quality control board, or local agency,
36 as appropriate, shall, within 60 days of the date it finds that a
37 remedial action has been completed, notify the city, county, or city
38 and county in writing that the immunity provided by this section
39 is in effect.

1 (d) The approval of a cleanup or remedial action plan under this
2 section by a local agency shall also be subject to the concurrent
3 approval of the department or a California regional water quality
4 control board when the city, county, or city and county receiving
5 the approval formed the local agency.

6 (e) Upon proper completion of a remedial or removal action,
7 as specified in subdivision (c), the immunity from agency action
8 provided by the certificate of completion provided pursuant to
9 subdivision (c) of Section 25264 of the Health and Safety Code
10 and the immunity provided by this section extends to all of the
11 following, but only for the release or releases specifically identified
12 in the approved cleanup or remedial action plan and not for any
13 subsequent release or any release not specifically identified in the
14 approved cleanup or remedial action plan:

15 (1) Any employee or agent of the city, county, or city and
16 county, including an instrumentality of the city, county, or city
17 and county authorized to exercise some, or all, of the powers of a
18 city, county, or city and county and any employee or agent of the
19 instrumentality.

20 (2) Any person who enters into an agreement with a city, county,
21 or city and county for reuse of the property, if the agreement
22 requires the person to acquire property affected by a hazardous
23 substance release or to remove or remedy a hazardous substance
24 release with respect to that property.

25 (3) Any person who acquires the property after a person has
26 entered into an agreement with a city, county, or city and county
27 for reuse of the property as described in paragraph (2).

28 (4) Any person who provided financing to a person specified
29 in paragraph (2) or (3).

30 (f) Notwithstanding any other law, the immunity provided by
31 this section does not extend to any of the following:

32 (1) Any person who was a responsible party for the release
33 before entering into an agreement, acquiring property, or providing
34 financing, as specified in subdivision (e).

35 (2) Any person specified in subdivision (a) or (e) for any
36 subsequent release of a hazardous substance or any release of a
37 hazardous substance not specifically identified in the approved
38 cleanup or remedial action plan.

39 (3) Any contractor who prepares the cleanup or remedial action
40 plan, or conducts the removal or remedial action.

1 (4) Any person who obtains an approval, as specified in
2 subdivision (b), or a determination, as specified in subdivision (c),
3 by fraud, negligent or intentional nondisclosure, or
4 misrepresentation, and any person who knows before the approval
5 or determination is obtained or before the person enters into an
6 agreement, acquires the property or provides financing, as specified
7 in subdivision (e), that the approval or determination was obtained
8 by these means.

9 (g) The immunity provided by this section is in addition to any
10 other immunity of a city, county, or city and county provided by
11 law.

12 (h) This section shall not impair any cause of action by a city,
13 county, or city and county or any other party against the person,
14 firm, or entity responsible for the hazardous substance release that
15 is the subject of the removal or remedial action taken by the city,
16 county, or city and county or other person immune from liability
17 pursuant to this section.

18 (i) This section shall not apply to, or limit, alter, or restrict, any
19 action for personal injury, property damage, or wrongful death.

20 (j) This section shall not limit liability of a person described in
21 paragraph (3) or (4) of subdivision (e) for damages under the
22 Comprehensive Environmental Response, Compensation, and
23 Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.).

24 (k) This section shall not establish, limit, or affect the liability
25 of a city, county, or city and county for any release of a hazardous
26 substance that is not investigated or remediated pursuant to this
27 section or Chapter 6.65 (commencing with Section 25260) of
28 Division 20 of the Health and Safety Code.

29 (l) The immunity provided for by this section shall only be
30 conferred if both of the following apply:

31 (1) The action is in accordance with a cleanup or remedial action
32 plan prepared by a qualified independent contractor and approved
33 by the department or a California regional water quality control
34 board or the local city, county, or city and county, as appropriate,
35 pursuant to subdivision (b).

36 (2) The remedial or removal action is undertaken and properly
37 completed, as specified in subdivision (c).

38 (m) The city, county, or city and county shall reimburse the
39 department, the California regional water quality control board,

1 and the local agency for costs incurred in reviewing or approving
2 cleanup or remedial action plans pursuant to this section.

3 52208. (a) If a city, county, or city and county undertakes an
4 action to remedy or remove, or to require others to remedy or
5 remove, including compelling a responsible party through a civil
6 action to remedy or remove, a release of hazardous substance, any
7 responsible party or parties shall be liable to the city, county, or
8 city and county for the costs incurred in the action. A city, county,
9 or city and county may not recover the costs of goods and services
10 that were not procured in accordance with applicable procurement
11 procedures. The amount of the costs shall include the interest on
12 the costs accrued from the date of expenditure and reasonable
13 attorney's fees and shall be recoverable in a civil action. Interest
14 shall be calculated based on the average annual rate of return on
15 a city's, county's, or city and county's investment of surplus funds
16 for the fiscal year in which costs were incurred.

17 (b) The only defenses available to a responsible party shall be
18 the defenses specified in subdivision (b) of Section 25323.5 of the
19 Health and Safety Code.

20 (c) A city, county, or city and county may recover any costs
21 incurred to develop and to implement a cleanup or remedial action
22 plan approved pursuant to Sections 52206 and 52207, to the same
23 extent the department is authorized to recover those costs. The
24 scope and standard of liability for cost recovery pursuant to this
25 section shall be the scope and standard of liability under the
26 Comprehensive Environmental Response, Compensation, and
27 Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.)
28 as that act would apply to the department; provided, however, that
29 any reference to hazardous substance therein shall be deemed to
30 refer to hazardous substance as defined in subdivision (c) of Section
31 52205.

32 (d) An action for recovery of costs of a remedy or removal
33 undertaken by a redevelopment city, county, or city and county
34 under this section shall be commenced within three years after
35 completion of the remedy or removal.

36 (e) The action to recover costs provided by this section is in
37 addition to, and is not to be construed as restricting, any other
38 cause of action available to a city, county, or city and county.

39 (f) Except as provided in subdivision (m) of Section 52207,
40 notwithstanding any other provision of state law or policy, a city,

1 county, or city and county that undertakes and completes a remedial
2 action, or otherwise causes a remedial action to be undertaken and
3 completed pursuant to Sections 52206 and 52207, shall not be
4 liable, based on its ownership of property after a release occurred,
5 for any costs that any responsible party for that release incurs to
6 investigate or remediate the release or to compensate others for
7 the effects of that release.

8 52209. Except as provided in Section 52207, nothing in this
9 chapter shall limit the powers of the State Water Resources Control
10 Board or a California regional water quality control board to
11 enforce Division 7 (commencing with Section 13000) of the Water
12 Code.

13

14 CHAPTER 4. VOLUNTARY TAX-SHARING AGREEMENTS

15

16 52210. (a) A city, county, or city and county may enter into
17 a voluntary agreement with another city, county, or city and county,
18 or a local taxing entity or joint powers authority, to jointly finance
19 a project authorized by Section 52200.1

20 (b) This section shall not authorize a city, county, or city and
21 county to collect and spend tax dollars from another jurisdiction
22 without their written consent.